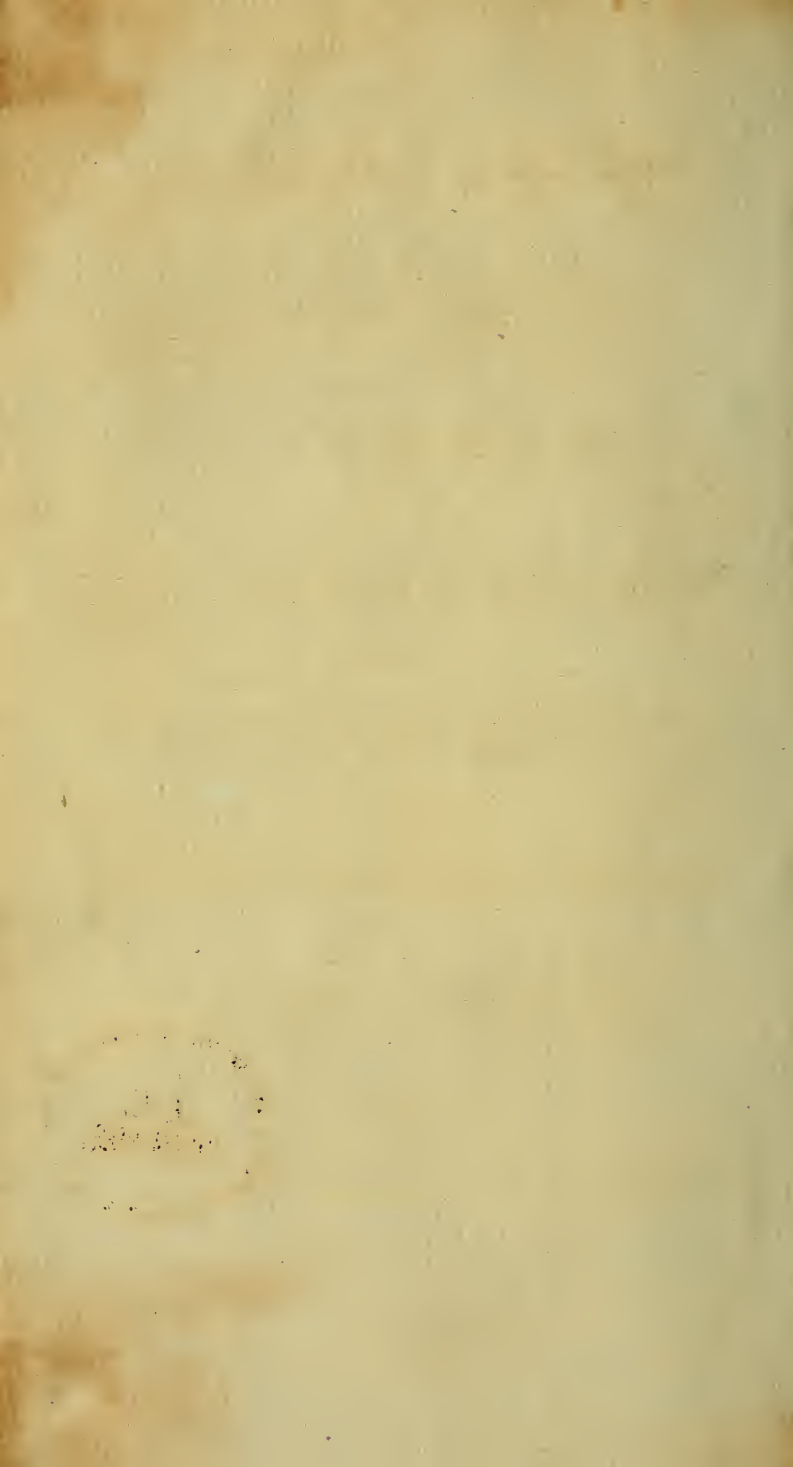


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THE
AMERICAN SENATOR,
OR
A COPIOUS AND IMPARTIAL REPORT
OF THE
D E B A T E S
IN THE
CONGRESS OF THE UNITED STATES:
INCLUDING
ALL TREATIES, ADDRESSES, PROCLAMATIONS, &c.
WHICH OCCUR DURING THE PRESENT SESSION,
BEING
THE SECOND OF THE FOURTH CONGRESS.

BY THOMAS CARPENTER.

VOL. III.



PHILADELPHIA:

PRINTED FOR THE EDITOR, BY WILLIAM W. WOODWARD,
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TO THE PUBLIC.

THE uncertainty attending the length of matter which would occur in the session, is the only, and, the editor hopes, a sufficient apology for the unusual continuation of the pages after the first volume; to remove the inconveniency attending which, an index and title is given, with directions where the binder should divide the volumes. He regrets the disappointment in its due delivery, which has occurred for want of proper arrangements in printing: Such arrangements have been formed as will prevent the like in future. The editor engages that much better paper shall be given, and that a number shall be always published in less than one week after the debate. He need only refer to the inclosed report as a specimen of ability, but howsoever arranged, it will yet admit of improvement: He hopes, therefore, that all which experience can promise will promote its progressive value; his aim and greatest exertion, together with every necessary assistance shall contribute to obtain approbation, while he determines to be scrupulously impartial, and thus continue to deserve the esteem and patronage of every class of citizens, whose support, he should fail in gratitude, were he not respectfully to acknowledge.

THE important transactions which have operated to the sudden and unusual convention of Congress, must beget an anxiety in the Citizens to obtain and preserve an accurate statement of the exertions of their Representatives, so to regulate national concerns, as may be most consistent with the honour and happiness of this thriving Republic; it must be the sincere wish of every good citizen that their attempts may be crowned with success, that while the nations of Europe are deluged in blood, **PEACE, LIBERTY, and PROSPERITY,** may continue to make us happy.

DIRECTIONS TO THE BINDER.

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The house proceeded to consider the said report at the clerk's table ; and so much thereof as relates to the petitions of Robert Sage and of Thomas Hall, being again read,

Resolved, That the prayer of the petitions of the said Robert Sage and Thomas Hall, cannot be granted.

The committee recommended a postponement of the other part till next session, as it was too late in the present one to get through the business.

Mr. Ames was not satisfied with the reasons of postponement. He need not say how important the commerce of Boston was. Many ships, and what was yet worse, many lives had been lost. The buoys would probably save in one season, more than the whole would cost. No port in America was of more difficult access.

Mr. Swanwick did not think that there was time in the present session for entering upon the business. Besides, he was at a loss to know, where the money should come from. He wished that to be known before the appropriations were made.

Mr. Dearborne said, that the whole expence would not be more than fifteen hundred dollars. There were a great variety of islands and shoals, and only a light house for the direction of shipping.

Mr. Ames observed, that more time would be spent in debating about the report, than would have been requisite for passing a bill. As to the fact that buoys were greatly wanted, it had received dreadful confirmation. No harbour in the United States had seen such tragedies of shipwreck in approaching to it. He did not believe that the house would refuse the buoys. By a delay, thirty times the value of so trifling an expence might be lost. So large a part of the public revenue was collected from that harbour as justly entitled it to public attention. The memorial was signed not only by the marine society of Boston, but by so many other respectable names, and which were known by so many members in that house to be respectable, that he could not persuade himself of the house suffering the matter to go by in this way.

Mr. Coit moved that the report should be re-committed ; he could not help thinking it a slovenly way of doing business to report that there was not time. The committee would not have required longer to say what was their opinion.

The report was re-committed.

Mr. Swanwick, from the committee of commerce and manufactures, presented, according to order, a bill in addition to an act, entitled "an act concerning the registering and recording of ships or vessels;" and to an act, entitled "an act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same," which was received and read the first time.

On motion,

The said bill was read the second time, and ordered to be committed to a committee of the whole house, to-morrow.

Mr. Coit, from the committee, to whom was referred, a motion of the first instant, relative to provision, by law, under specific restrictions, for the renewal of destroyed certificates, of certain descriptions, made a report, which he delivered in at the clerk's table, where the same was read, as followeth:

"That no provision appears to have been made by the United States, for the renewal of destroyed certificates of any kind, except those of the description called loan office certificates, and those called final settlements.

"That by resolutions of congress of the tenth of May, and eighteenth of July, 1780, provision was made for the renewal of loan office certificates destroyed, on proper proof made of the destruction of such certificates, to the officers of the treasury.

"That by act of congress, of the 24th of April, 1794, the provisions of the said act were extended to certificates of the description called final settlements; other regulations were made respecting the renewal of loan office certificates, and those called final settlements; and it was declared, that all claims for renewal of loan office certificates, and final settlements, not presented at the treasury, on or before the first day of June, 1795, should be barred.

"That by act of congress, of the third of March, 1795, all certificates, commonly called loan office certificates, final settlements, and indents of interest, outstanding at the time of passing the said act, and which should not be presented at the office of the auditor of the treasury, on or before the 1st day of January 1797, were declared to be forever after barred or precluded from settlement or allowance.

"That most of the cases where certificates of the public debt are said to have been destroyed, took place long before the passing of the said act of the 24th of April, 1794; and probably a great proportion of them, before the passing

of the said resolution of the 10th of May, 1780, from which circumstance, as well as the nature of the subject, it would be extremely difficult, if not impossible, at this time, to guard against fraud and imposition, should further provision be made for renewing them; and the committee cannot find stronger reasons in favour of keeping in force the statutes of limitations, in relation to any class of claims, than to that contemplated in the resolution referred to them:—They are, therefore, of opinion, that the house ought not to agree to the same."

The house proceeded to consider the said report; and the same being again read, was, on the question put thereupon, agreed to by the house,

Ayes 49:

Noes 37:

Those who voted in the affirmative, are,

Theodorus Bailey,
Abraham Baldwin,
Thomas Blount,
Theophilus Bradbury,
Richard Brent;
Nathan Bryan,
Daniel Buck,
Thomas Claiborne,
Joshua Coit,
Isaac Coles,
William Cooper,
James Davenport,
Abiel Foster,
Dwight Foster,
Jesse Franklin,
Ezekiel Gilbert,
William B. Grove,
Wade Hampton,
George Hancock,
Carter B. Harrison,
Thomas Hartley,
Jonathan N. Havens,
John Heath,
Andrew Jackson,
John Wilkes Kittera;

George Leonard;
Matthew Locke,
Samuel Lyman,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
Francis Malbone,
John Milledge,
Josiah Parker,
John Patten,
Francis Preston,
John S. Sherburne,
Thompson J. Skinner,
Jeremiah Smith,
Israel Smith,
Isaac Smith,
William Smith,
William Strudwick,
Zephaniah Swift,
Mark Thomson,
Joseph B. Varnum,
Abraham Venable,
Peleg Wadsworth, and
John Williams:

Those who voted in the negative, are,

David Bard,
Demsey Burges,
Gabriel Christie,
John Clopton,
William Craik,
Samuel W. Dana,
Henry Dearborn,
George Dent,
George Ege,
William Findley,
Nathaniel Freeman, jun.
Albert Gallatin,
Nicholas Gilman,
Henry Glen,
Christopher Greenup,
Andrew Gregg,
Robert Goodloe Harper,
John Hathorn,
William Hindman,

James Holland,
Andrew Moore,
Frederick A. Muhlenberg,
Anthony New,
Alexander D. Orr,
John Page,
Elisba R. Potter,
John Reed,
John Richards,
Robert Rutherford,
Samuel Sewall,
Samuel Sitgreaves,
Samuel Smith,
Richard Sprigg, jun.
George Thatcher,
Richard Thomas,
John E. Van Allen, and
Richard Winn.

Mr. Swanwick, from the committee of commerce and manufactures, to whom was re-committed, on the 30th ultimo, the bill relative to the compensations of certain officers employed in the collection of the duties of imposts and tonnage, reported an amendatory bill relative to the compensations of certain officers employed in the collection of impost and tonnage, which was received, and read the first time.

The said bill was read the second time, and ordered to be committed to a committee of the whole house, on wednesday next.

On motion, by Mr. W. Smith,

Resolved, That the committee of ways and means, to whom it was referred, on the 21st of December last, to enquire and report whether any, or what alterations are necessary in the laws to enforce the payment of monies due from the various revenue officers of the United States, be instructed to report thereon, by bill, or otherwise.

Mr. W. Smith, from the committee of ways and means, presented, according to order, a bill to provide more effectually for the settlement of accounts between the United States and receivers of public money, which was received, and read the first time.

On motion,

The said bill was read the second time, and ordered to be committed to a committee of the whole house, on Friday next.

On motion, by Mr. Gallatin,

Resolved, That a committee be appointed to enquire into the expediency of repealing the restriction in the fifty sixth section of the act, entitled " an act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled in the United States, and for appropriating the same," so far as the said restriction respects any domestic distilled spirits, which may be exported from the district of Louisville, in the state of Kentucky; or from any district which may be hereafter established on the rivers Mississippi or Ohio, or the branches thereof, and to report by bill, or otherwise.

Ordered, That Mr. Gallatin, Mr. Coit, and Mr. Skinner, be appointed a committee, pursuant to the said resolution.

The house in a committee of the whole on the bill regulating the military establishment, Mr. Dent in the chair, and the motion for striking out the clause relative to the three regiments of infantry, for the purpose of inserting four, being under consideration:

Mr. Williams said, he did not intend to have spoken again on this subject, had it not been for some observations which had fallen from a gentleman (Mr. S. Smith) from Maryland. That gentleman had observed, that the retaining the four regiments would not produce as many troops as the establishment of 1792, which had been contended for by him. Let us, said Mr. Williams, compare the pay of the troops in 1792, with the estimate for the present year. The pay of the troops in the year 1792 was 147,771 dollars 11 cents. The estimate for the present year for the pay of the troops is 246,970 dollars 31 cents, if the clause is struck out. In this calculation, however, is the allowance of the major-general and his aids to the time they were to be continued; but, when we add the pay of the brigadier-general and others, in the bill before us, we may calculate at least on 250,000 dollars. If then, said Mr. Williams, we have not as many troops now as we had in 1792, how comes this vast augmentation of pay? But the gentleman had omitted to mention the twelve companies of artillery, which, with the great ad-

dition of officers in consequence of the changing the establishment, was the cause. And, said Mr. Williams, the system which he had proposed the other day to reduce the four regiments of infantry to two, on the same principle as the establishment in the year 1792, would have lessened the expense, and had an equal force; but this was overruled. The changing the establishment of 1792, if the motion is agreed to, will be an addition of one brigadier-general and the officers annexed thereto, two lieutenant-colonels commandant, two majors, two paymasters, two surgeons, four surgeon's mates, eight captains, eight lieutenants, and eight ensigns. Yet, says that gentleman, we shall not have as many troops as in 1792. Where then is the propriety in asking us, said he, to agree to the motion? If the clause stands in the bill, have we now more troops than will complete the sixteen companies of artillery, which is 992 exclusive of officers, and three regiments of infantry, agreeably to the establishment of the 28th of May, 1796, which amounts to 1506, non-commissioned officers, musicians and privates; which being added together, makes 2498, exclusive of officers. If these are nearly the number now in service, as was supposed to be the case by the gentleman from Massachusetts (Mr. Dearborn) which by the by is all the information we have, why augment that number? We find in the estimates 16,000 dollars for bounties, premium to officers, &c. Should the reduction take place, the greater part of this sum would not be wanted. The expenses of the hospital department in the year 1792, was 4,835 dollars 67 cents; in the estimate for the present year it is 30,000 dollars. In short, said Mr. Williams, let gentlemen turn over the estimates, and pause for a moment, and he was confident the motion would not obtain.

If the bill is passed as reported, we shall then have one brigadier-general, one quarter-master-general, one inspector-general, one paymaster-general, four lieutenant-colonels commandant, ten majors, four surgeons. eighteen surgeons' mates, one principal artificer, one second artificer, four paymasters, five adjutants, forty-two captains, sixty-eight lieutenants, twenty-four ensigns; total 186 officers, and 2493 non-commissioned officers, musicians and privates. These, he contended, were sufficient for a peace establishment, and to be stationed as follows:—On the sea-coast six companies; in Georgia five companies; in Tennessee three companies; at the Natches three companies; near the mouth of the

Ohio one company; near the mouth of the Illinois one company; on lake Michigan two companies; Michalimackinac two companies; Detroit four companies; fort on the Miami one company; fort Wayne, &c. two companies; Presque Isle one company; Niagara four companies; Oswego one company; fort Franklin, &c. on the Allegany one company; fort Hamilton, &c. three companies; total forty companies, which is according to the establishment by the bill.

Mr. Williams said that the number of troops estimated by the secretary of war to be kept at Detroit, was about a regiment. This, he supposed, was in consequence of its being said, that a number of inhabitants adjacent thereto were unfriendly. If this was the case, which he did not believe, they must in June or July next, by the treaty, either remove or be considered as American citizens; so that in either case the number contemplated would not be wanted.

Mr. Williams said he was persuaded that the number of officers and men contained in the bill before them, was adequate to a peace establishment. Had the gentleman's motion been for an additional battallion of artillerists, it would, in our present situation, have had weight with him; because the duty of the artillery is not merely mechanical, but requires to be studied. If this is omitted, and any difficulty were to arise, the want of experience would be detrimental; for, if we are inexperienced, the business must be put in the hands of foreign adventurers, soldiers of fortune. If, then, we can make a saving in the infantry, and augment our defence on the sea-coast, by improving our fortifications, and in the protection of our commerce, ought we not to embrace it? Have not that class of our citizens, who have laid out vast sums in buildings, &c. in our capitals, a demand on us for protection; and in doing this are we not securing our revenue? What is the situation of our fortifications, harbours, &c. Are they not in a situation truly discouraging to the citizens? It is a duty incumbent on us to pursue every necessary and prudent measure to encourage their industry and usefulness.

The motion before us, said Mr. Williams, is for a defence, where it is declared, by those who are most likely to be in danger if any difficulty should arise with the Indians, no danger is to be apprehended. Who then is this force to benefit? The gentleman from Connecticut (Mr. Coit)? He would ensure him from the depredation of the Indians; for, when

they were aided by Burgoyne's army, they did not get within one hundred miles of that gentleman; and if the gentleman from Maryland is under any apprehension, those on the frontiers of Pennsylvania will check any invasion towards them. He was sorry to hear the gentleman from Connecticut make the motion, because he had generally found him an economist. It was but a few days since he moved to strike out a few dollars for a door-keeper, whilst this item would save at least 100,000 dollars. Mr. Williams observed, that the gentlemen in favour of the motion had two objections to the clause. The one was they were afraid of the Indians, and the other that it would be imprudent to discharge the officers. With respect to the first, said Mr. Williams, unless that gentleman can make it appear it is for the interest of the Indians to go to war, he could not entertain an idea that it would be the case; and if it were so, what would that establishment be towards the defence of this country? If a war was to be apprehended, are the troops we now have properly stationed? Not even a sergeant's guard is contemplated in the paper from the secretary of war, on or near lake Champlain. They had no troops, nor were there any on the frontier, from the sea in the province of Maine to Oswego. The militia, he conceived, were the best troops on the frontiers, and the disciplined troops on the sea-coast. The latter ought to be chiefly artillery.

With respect to the reduction of the officers, it is only to examine the different laws by which they were created officers, in which we find there is an uniformity of sentiment, that they are only to serve a given time, but any part, or the whole, to be discharged when not wanted. The second and third sections of the act of the 9th of May, 1794, prohibit any enlistment after three years from the time of passing the act; and in the sixteenth section of the same act it is declared, the president may order the forbearance to raise or to discharge any part, &c. From these observations, it appears the officers knew when they were appointed, upon what principle the appointment took place, and it was optional for them to accept or not. It is a poor compliment paid to an officer to be told, "Sir, your service is no longer wanted, but, fearing you cannot support yourself, we will support you." Let us, said Mr. Williams, pay them well for a reasonable time, and give them a chance to enter into a business more serviceable to the community; and even in this case we shall save the subsistence, &c. Mr. Williams observed,

that he was apprehensive we should do the officers much greater injury to keep them in service, and not pay them; for, said he, in taking the yeas and nays, he had observed that gentleman had voted to retain the payment and had opposed the direct tax. If gentlemen's observations are to be relied on, that the laying on more duties on imposts will not augment the revenue, and no other tax is agreed on, where is the money to come from to pay these troops; for his part, he saw the difficulty. The session is so near the close, said he, that little can be expected to be raised this year by a direct tax. The difficulty of arranging such a law, the passing of it this session was doubtful. If, Mr. Williams said, the bill was according to his wish, he should vote against it, if the produce thereof was to be appropriated to troops which he conceived were not wanted. Direct taxes never ought to be imposed, unless our commerce is interrupted, or for the express purpose of discharging the national debt.

Mr. Cooper said he highly approved of saving money, and was no friend to standing armies; but, when it was proposed to disband a part of our little army, for the purpose of saving money, and that at the expense of a reproach upon the nation, he could not content himself by giving a silent vote upon the occasion. When they were about to starve their public officers, by refusing to advance their salaries; when they talked of stopping the building of our frigates, and suffering them to rot upon the stocks; when they were proposing to discharge one regiment of our infantry out of four—he thought such measures were dishonourable to the United States as an independent nation, who had friends and allies with great and respectable nations, who might read that the legislature of this country was engaged in discussing the propriety of making a saving in its expenses, by striking off 400 men from its army. Wonderful calculation! to say that three regiments are necessary, but that four are not.

Notwithstanding this calculation, he should make a different one, which he thought would justify him in voting for the present motion. If it was true, what his colleague (Mr. Williams) had stated last session, that great advantages were to arise from a trade with Canada (and he believed it were) it followed, that we required as many troops to keep possession of the posts formerly occupied by the British, as were employed in them by them, or more, because, he said, we must make ports of entry and delivery on the margin of our country. He hoped, therefore, his colleague would be con-

vinced of the impolicy of striking off one regiment from our present establishment. Besides, he said, if we were thus to strike off our officers, we should not find men ambitious to serve us in future, when our necessities might need them.

Mr. S. Smith said, the committee had frequently been called upon to give an account of the posts in which the men were to be stationed, and the number which could be required. They had found it difficult to obtain information on this subject. The secretary of war had given them only the posts heretofore occupied, with a number of men employed. He had, however, obtained other information, which he believed pretty correct, with respect to the posts necessary to be garrisoned in future, and the number of men required for each. He said they were as follows :

Otsego	62
Niagara	124
Pesqu'Isle	124
Detroit	248
Michaëlimackinac	124
Chicago	124
Opie	62
Piscats	124
Maffac	62
Fort Knox	62
Fort Washington	62
Pittsburg and Franklin	124
Fort Wayne	186
Walnut Hills	62
Natchez	248
South Western Territory	124
Georgia	372

Total, 2,294

In 1792, Mr. S. said, the estimate was 1920 infantry and 300 artillery, making 2220, and, according to the present establishment, he said, there were

Four regiments of Infantry, which, when full, are	1,984
One do. Artillery,	764

2,748

This was under a supposition that the regiments were always complete, and therefore if 15 per cent. were deducted it would give the real number. The list he had given contemplated nearly an equal number of men for the Southern and Northern Frontier.

The gentleman from New York (Mr. Williams) had made some objections which it might be necessary to notice. He had stated the pay of the establishment in 1792 to be 147,000 dollars; but he would recollect that then the pay of the men was only three dollars a month, whilst at present it was four. He should also recollect that there were now six companies of artillery more than 1792; and if he took this variation of price, with that of a dollar a month, it would be found to come to much the same thing. There was a great difference also in the price of rations. Flour at Pittsburg was then at three dollars, now it was eight or ten. Beef and all other supplies were in the same proportion, and therefore no wonder need be made at the difference of price, as it arose out of the natural course of things. There was a great difference also in the price of cloathing, for, since 1791, the duty upon articles imported had been nearly doubled.

When the gentleman from New York spoke of the militia as a proper defence for the frontier, he contemplated his own situation only. The distance between the frontier and parts where any militia could be had, was too great to think of wholly relying upon them; in some cases upwards of three hundred miles. It was in a few parts only, where militia could be called upon. He had heard with pleasure, some days ago, what the gentleman from Virginia (Mr. Page) had said on the subject of the post which was cut off by the Indians in 1791, owing to its being too weakly garrisoned. The Spaniards had also suffered a similar loss from the same cause. This was the way, he said, in which experience was purchased; and if the people murmured at such events, they could tell them they had acted from economy.

The gentleman had spoken of the six regiments being reduced to four last session. They were not really reduced, but newly organized, and fixed as a permanent establishment. How could officers, therefore, contemplate a discharge at the end of six months. They could not possibly; and he trusted they should have more steadiness than now, to change what they had then fixed.

Mr. Gallatin wished to make a remark or two upon what had fallen from the gentleman from Maryland (Mr. Smith.) He thought, by his statement, he had brought the matter to issue. If from the statement of the posts which that gentleman had produced, he could shew several of them to be unnecessary, and which never had been thought of till lately, it would be a conclusive proof that as many men as were

estimated to be necessary for them, might be deducted from the number which that gentleman supposed to be necessary, and leave a sufficient number behind.

Chicago, at the south end of lake Michigan, near the head of the Illinois river; Opie on the river Illinois, and Caschatca near the mouth of the Illinois river, would not be necessary. Whilst we had a chain of posts from fort Wayne to Detroit, there was no occasion for any one the outside of these. If it were said they were for the sake of trade, he would answer that if they were not there, the Indians would come forward to the nearest post. These were new establishments, and the troops might well be saved that were intended for these posts.

Again on the Mississippi. He agreed it would be proper to have a post at the Natchez, but why at Walnut hills? There was not a single inhabitant within five hundred miles of that place.

These deductions would make a saving of six companies. In the next place, the four companies proposed for Osego, Franklin, Pittsburg and Washington, were unnecessary. These, he said, were settlements, and stood in need of no military to defend them. The only plea for some of these posts was to keep up a communication between the Ohio and the lakes; but this might be done by a storekeeper, as he hoped it would not be thought necessary to have a post with troops wherever they fixed a store.

Mr. Gallatin said, he should not enter into detail with respect to any of the posts already in possession of the United States. He would take it for granted that the statement was right. It was enough to say that those which he had mentioned might be done without.

The gentleman from Maryland had made a small mistake with respect to the artillery. He had stated the present artillery at 764 men, whereas they consisted of 992 non-commissioned officers and privates. It was from thence it resulted (to which he alluded the other day) that our establishment, if reduced to three regiments, would be greater than it was in 1792. It was then two regiments of 960 men each and one battallion of artillery, whereas at present we should have had three regiments of infantry of 480 men each, and four battallions of artillery.

He should not make any further observations at present, as his only intention was to remark upon the statement which had been laid on the table.

Mr. Cooper said there seemed to be a mistake in confounding Oswego with Otfego; the former was a settled place, but not the latter.

Mr. Rutherford was sorry to hear the gentlemen persevere on this occasion to keep up a military force. As for his part, he said he was *a rough Son of Nature?* and should not pretend to dictate to gentlemen of information; but he must be permitted to deliver his sentiments in his own plain way. Where, said he, is the great characters of 1776? How are we changed in the space of fourteen years! Then, every man was ready to defend his country; but now we were calling out in the tone of women, Save this great confederation, by the skeleton of a fourth regiment of infantry and two troops of horse!" When, said he, we can raise 200,000 generous republicans, and 100,000 on horseback; when the people are double and triple to what they were during the revolution, and yet shall we cry out, "O save us, with a few hired troops!"

How would Warren and Mercer, with a long train of heroes now no more, blush for their degraded sons, were they now to behold them in their cry for a standing army! The people, said he, loath the idea of such a thing; and when it is considered what a scene of idleness and its consequent vices, such an establishment furnishes, all good citizens ought to loath it.

Mr. Holland said four reasons had been urged for the present motion; the first, was as being necessary to defend our frontiers against the savages; the second for the purpose of keeping up military discipline; the third, in order to keep up an experienced set of officers; the fourth, as it respected our chief magistrate elect. As he had been anticipated in some of his observations, he should be as concise as possible in what he offered to the consideration of the committee.

With respect to defending the frontier, it was altogether matter of opinion, as to what number of troops were necessary for that purpose. No two gentlemen seemed to agree on this point. The gentleman from Maryland had presented them with a list of the posts necessary to be garrisoned, and the number of men requisite for each; but the gentleman from Pennsylvania had shewn several of them to be unnecessary, and he must own that he coincided in opinion with that gentleman, because knowing him to live upon the frontier, he believed him to be a much better judge

of what was necessary for its defence, than any gentleman who lived at a distance. Arguments for increasing military strength on our frontier, did not come with a good grace from gentlemen who lived far removed from danger. If gentlemen who were inhabitants of the frontier were satisfied, he thought those who lived at a distance might make themselves easy on the subject.

When the question was before the house the other day, the gentleman from Georgia voted for the reduction of the four regiments to three. Georgia had an extensive frontier; yet, it seemed, they did not think this additional regiment necessary. South Carolina had no frontier. The state of Tennessee had a large frontier, and he believed the member from that state had voted for the reduction. Kentucky was also surrounded by savages. That state was also interested in the keeping up of a standing force, as it afforded a market for their produce; yet one of the gentlemen from that state voted against the fourth regiment. The states of Pennsylvania and New York had frontiers, yet the gentlemen living upon them had voted for decreasing the military force. This evidence was so strong to his mind, that the three regiments would be sufficient, that he should certainly vote against the present motion.

With respect to discipline, troops placed at such a distance from each other as these would be, could answer but little purpose in this way.

In reference to the officers which a reduction would displace, it was true some derangement would be occasioned; and he supposed they might not altogether be satisfied with it; but the question was, are they necessary? If not, they ought to be dismissed, and they should rather rejoice than otherwise that the country is in a state to do without them. He should think no man of spirit would chuse to receive his country's money, when he was sensible his services were not wanted.

With respect to what had fallen from the gentleman from Maryland, as to the effect a reduction of the military force might have upon our new President, viz. that if any disaster were to happen to this country, it would be said, if George Washington had been at the helm, such a misfortune would not have happened. Who, he asked, would say this? Only such as took a superficial view of the matter. This was a strange kind of reasoning. He did not think it necessary to keep up a fourth regiment on this ground.

Taking these four reasons together, they amounted to nothing, but that a large military establishment was wished to be kept up in time of peace; and he believed any military they might conclude to have, might as well remain in the sea ports as go upon the frontiers, as they were of little use in protecting the frontiers. Men placed in such posts seldom went farther from their station than the length of their gun-shot, whereas the militia pursued an Indian, when he had done injury to himself or neighbour. But some gentlemen, perhaps, think the militia should not pursue the Indians in this way, when they commit murders on the frontiers, but, for his own part, if an Indian were to come into his neighbourhood and do him a material injury, he should pursue him.

Mr. Holland said, they ought at this time, to be very careful how they expended the public money. On this account, he thought it was unnecessary to occupy several of the posts which had been mentioned; at Detroit and the Natchez post might be necessary.

The gentleman from New York (Mr. Cooper) had said all the posts should be garrisoned as strongly as they were garrisoned by the British, and the gentleman from Maryland (Mr. Murray) had compared our situation with Russia. He did not think it necessary to compare this country with either of those nations, nor draw our necessities for military force from them. Our citizens were always ready to defend themselves, and wanted not the examples of other nations to urge them to their duty.

Mr. Heath said he was not in the house when this subject was formerly under discussion; he should wish, therefore, to give a few reasons why he should vote for striking out this clause. The only reasons given for retaining it were two; one on account of public economy, and the other because it was not necessary to occupy all the posts which had been mentioned.

Economy, he said, was of great consequence; he was an advocate for it. He knew the distressed situation of the United States for money, and he would grant that it was a good argument against unnecessary spending money; but he was afraid, lest while they were talking about peace on the frontier, that peace should be broken. For, he would ask any gentleman who had ever attended at all to Indian affairs, whether ever a permanent peace could be had with savages? Nay, he said, it could not be expected, since even

European nations kept peace no longer than whilst it suited their interest.

On account of the accession of territory which we had gained by treaty, it was necessary it should be defended. Perhaps it would be better for us, he said, if we confined our dominion; but, having unfortunately extended it, it was necessary to take care of it. Since 1792, he said, we had gone down the Mississippi more than 500 miles, and, in consequence, posts were necessary to be kept up there. Let us advert, said he, to this circumstance, and say whether, when four regiments were necessary before this accession of territory, they were not necessary now; if they were necessary, whether, merely from a squeamish economy, they would reject one of them. If they were to do so, it might prove an ill-timed parsimony, which they might have cause to repent of.

He detested a large military establishment, he said, as much as his colleague, when in peace, and would watch over it with as much jealousy; but he would not on that account refuse to keep what was absolutely necessary. If four regiments were agreed to be kept up, he said they would never be full; and, if they were reduced to three, not more than two thirds could be expected to be always in readiness. And were these, he asked, sufficient for the defence of the United States? He denied it, and thought the time an extremely improper one to think of reducing the military establishment. If it were, indeed, to increase it, he might object to the measure; but when it was merely to leave it in statu quo, he had no doubt on the subject. Indeed, were they to make the proposed reduction, it was probable the Indians might hear of it, and it might have the effect to encourage them to make war upon the frontier; as no peace could be said to be held with them, at best it could only be called a *truce*.

Mr. Hartley said, as he was one of the committee, he thought it necessary to say a few words more on this subject. The gentleman who had been up had said, it was very strange that the militia was not relied upon. This subject, he said, had frequently been brought forward; but it had been thought necessary to have regular troops on the frontiers, and that the posts should be extended into the Indian country, for the purpose of cultivating harmony with the Indians. He spoke of the advantages which would be derived from the fur and skin trade, and of the necessity of

keeping up posts to protect that trade. It had been said that the posts at Pittsburgh and Washington were unnecessary; but, as he had before observed, the men could be employed in working the batteaux, &c.

The establishment last session, he said, was considered as a peace establishment. The President since that time, had organized the troops; the officers and men had been ordered to their stations, and some of them had already reached their destination in the frozen regions of the north, not apprehending that as soon as they were fairly arrived there, they would hazard being discharged from their service, and left to get home as they could.

He was for economy, he said, but he was also for supporting the government of our country; such a number of troops as were convenient, and which prevented our citizens from being too often called upon, he was supporting; and it was a little extraordinary that gentlemen from the frontiers should be so much in favour of calling out their fellow-citizens to the frontiers for the purpose of defending them against the savages.

If the reduction took place, the deficiency would be made by militia at three times the expence. As to the expence of the regiment in question, he doubted not our citizens would be ready to pay it, and if a land-tax was found to be necessary, he would rather pay it, than have an Indian war.

The question for striking out was taken, and carried 42 to 41. The committee rose and had leave to sit again.

Adjourned.

Tuesday February 7th

Mr. Madison, from the committee to whom was referred the petition of Hannah de Neufville, reported, that the services and sacrifices of the deceased John de Neufville, during our revolutionary war, as stated in the memorial, constituted a reasonable claim in behalf of his distressed widow and children, on the justice of the United States, but it would be impossible to ascertain and liquidate the same in a precise sum; but the committee proposed as equal and right that 3000 dollars should be allowed to be equally divided amongst them. This report was read a second time, and committed to a committee of the whole on Friday.

A report from the secretary of war, inclosing a list of invalid pension applicants belonging to New-Jersey, who

had been re-examined according to a former resolution of congress. Referred to the committee of claims.

Mr. Harper laid on the table a set of resolutions as to the method of taking evidence on contested elections.

Mr. Harper called up a short resolution relative to striking out of a resolution which he laid on the table the 6th of January last, that part which directs the salaries of officers to be stated : on a division.

Ayes 27.

Noes 40.

Mr. D. Foster from the committee of claims reported on the several petitions of Augustine Biddle, Demsey Burges, Phillip Bush, Samuel Brook Beale, Mary S. Jones, Emory Sadler executor of William Wright, and John Ward, praying a renewal of lost certificates : the committee reported a resolution that they ought not to be granted, and on the question being put for the house to concur, Mr. Rutherford moved a postponement of the case of Phillip Bush. After some discussion in favour of the postponement by Messrs Ames, Rutherford and Claiborne ; and against it by Messrs Dent, D. Foster and Coit, the house concurred with a postponement to the first Monday in December next.

Ayes 31.

Noes 21.

On motion of Mr. Dent the other petitions were also postponed.

Mr. D. Foster reported on the petition of Anna Welsh who prayed for the seven years half-pension to which she believed herself entitled, on account of her husband having been slain in the Penobscot expedition. The report was against the petitioner, as the provision alluded to did not extend to Officers in the Navy. It was referred to a committee of the whole on Monday next.

Mr. Milledge presented the petition of Charles Jackson, an ensign in the late war, praying for redress on account of a lost land warrant. Referred to the committee of claims.

Mr. Henderson proposed a resolution to the House relative to an Act passed last session for suspending the duties on Snuff, which expires at the close of this session, but, on being informed the committee of commerce and manufactures had the subject under consideration he withdrew it.

A message was received from the Senate, informing the house they had agreed to the resolutions for calling upon the debtor states, with amendments, to which they requested

the concurrence of the house of representatives. It was twice read, and referred to a committee of the whole to-morrow.

A bill was also received from the Senate for increasing the compensations of the members of the legislature, and certain officers of government, which was read, and on motion that it be read a second time, it was carried 33 to 30. It was accordingly read a second time.

This bill contemplates an advance of 5,000 dollars to the present salary of the President of the United States, and 2,000 dollars to the Vice-President, to commence on the 4th of March next, and continue for four years; and that the members of the Senate and House of Representatives, the secretary of state, the secretary of the treasury, the secretary of war, attorney-general, postmaster-general, assistant postmaster-general, comptroller of the treasury, auditor, register, commissioner of the revenue, accountant of the war department, the secretary of the senate, the clerk of the house of representatives, and the principal clerks employed by them, the sergeant at arms of the house of representatives, the door-keepers and assistant door-keepers of both houses, have an advance of 25 per cent. upon their present compensation.

Mr. Parker moved that the farther consideration of this bill be postponed till the first Monday in December next. He said, they had lately had the subject of augmentating the salaries of all the officers here mentioned, except the President and Vice-President and themselves, under consideration; and as they had resolved to refuse an advance to others, he trusted they should also refuse it to themselves. He thought the present an improper time to go into the subject.

Mr. Hartley wished the gentleman would consent to some day next week. He could not say he was ready to agree to the whole of the advances proposed; but he wished the subject to be taken into consideration, and perhaps by the time he had mentioned, they might have some farther information on the subject of our finances.

Mr. Macon said, the most regular way for the gentleman from Virginia to obtain his object, would be to move to have the bill committed to a committee of the whole, and made the order of the day for the 4th of March.

Mr. Parker made that motion.

Mr. Hartley hoped this motion would not be agreed to, as it was a sort of manœuvre to get rid of the business which he did not approve. He would either have the bill negatived at once, made the order of some day in the present session, or postponed till the next.

Mr. Ames said, gentlemen had no doubt a right to govern their own votes according to their own notions of propriety; no man had a right to prescribe to another; his conscience was no rule to any other man; but he thought he was authorized to say, they neither had, nor claimed a right, to do a right thing in a wrong way. To agree to the motion proposed, would be an insincere way of putting a negative upon the bill; he trusted, gentlemen who wished this, would do it in a more direct way. The compensation of the president and vice president could not be augmented, he said, after they had entered upon their office; and to say they would take up the subject for consideration at a time when their powers would not exist, was an evasive manner which he approved not. It was an easy thing for gentlemen to say no, on the question, without taking this circuitous way of putting an end to the business.

Mr. Venable thought the view of his colleague would be answered as well by a postponement to the 3d of March as to the 4th, and it would be more orderly. Nor did he think this way of disposing of the business, called for the censure which the gentleman from Massachusetts had thrown upon it. It was a question upon which that house had already decided by a considerable majority, no new light had been thrown upon the subject, and he thought it by no means disrespectful to postpone it. It was well known that the effect of this motion would be a postponement for the present session. This was what he wished; and if his colleague would consent to alter his motion to the 3d of March, he should not hesitate to vote for it.

Mr. Parker had no objection to the motion standing for the 3d of March, though he did not consider the motions for the first Monday in December or the 4th of March, as unparliamentary. He thought the salaries of the president and vice president high enough; the salaries of some of their public officers might, at present, be somewhat too low; but he believed the time would soon come when the price of living would become lower, and then they would be fully adequate, and therefore he did not wish to see them advanced at present.

Mr. Buck was opposed to putting off the question till the time contemplated by the present motion. To get rid of the business in such a way, would be descending from that state of independence which they ought to preserve, and would have the appearance of a slight cast upon another branch of government. If they were prepared to meet the question, they might as well meet it now as then; to agree to the motion proposed, would shew a degree of cowardice, and effectually put it out of their power to consider and determine upon the subject. The senate, he said, had found sufficient reason to originate this bill, and he thought, if it were only out of complaisance to them, the subject should not be treated in the way proposed. It was said, that this business had already been decided, but he did not think so. There had been no general proposition for augmenting compensation. They had had the subject under view partially; but he knew there were some members (he knew of *one* at least) who voted against any partial advance, because they thought it should be general. This was his motive. He thought all the officers of government were upon an equal footing, and therefore he voted against advancing the salary of one, and not of another. Not because he thought they were already sufficiently compensated; he did not think they were.

He wished, therefore, the subject for a general augmentation to come under discussion; if he should be convinced an advance was improper, he should give it up, and should be against putting the business off to a time when it could not be considered.

Mr. Hartley again urged the propriety of postponing for a shorter period. He mentioned the 17th instant.

Mr. Macon said he was opposed to the bill in toto, and he considered the motion of the gentleman from Virginia as meant to try the question. He wished it to stand for the 4th of March as at first proposed, because if it stood for the 3d the subject might be called up and acted upon on the last day of the session. He should, therefore, renew the 4th of March; because if there were a majority who wished the bill to be rejected, it was desirable that as little time as possible should be lost upon the business.

The question for postponing till the 4th of March was put and negatived, 46 to 45.

Mr. Parker then moved to have it postponed till the 3d of March.

Mr. Henderson thought it more proper to postpone till the 3d than till the 4th. He was ready, he said, to meet the question either in a direct or indirect way. He had made a calculation, and found that the advances proposed would amount from 100 to 110,000 dollars. Mr. Henderson believed our finances were not in a state to admit of this addition to our expenses; besides, he trusted every necessary of life would soon be reduced in price so as to render any advance of salary to our officers unnecessary.

The question was put and negatived, 57 to 32.

On motion of Mr. Hartley, Friday week was proposed, and negatived, being only 35 votes for it.

Mr. Gallatin moved that the business should be made the order for this day. He said he had voted for postponing it till the 4th of March, with a view of getting rid of it; but since it must be considered, he wished it to be disposed of as soon as possible.

Mr. Sitgreaves proposed it to be made the order for Monday.

The sense of the house was first taken for Monday and negatived, there being only 41 votes for it. It was then put for this day and carried, there being 58 votes for it.

The house then again resolved itself into a committee of the whole on the act regulating the military establishment, Mr. Dent in the chair, and went through it, without farther amendment or debate. The committee accordingly rose, and reported the bill with the amendment. The house took it up, and the amendment being under consideration,

Mr. Holland called for the yeas and nays upon it.

Mr. Findley said, it would be recollected by a number of members in that house, that he had always heretofore been in favour of increasing the army, as well as the rations and pay of our troops. It might be thought therefore, when he now voted for reducing it, he should not act consistently; but he believed himself perfectly consistent. His object in increasing our military strength was, by increasing our force, to put a more speedy end to war. Heretofore, he said, they had generally had estimates from the proper departments, which shared a part of the responsibility with them; but, on this occasion, they were groping in the dark. Every information which had been given, had rather been matter of opinion of individual members and of the secretary of war, than official; therefore, every one was at liberty to exercise his own opinion.

As far as he was acquainted with the business, he believed there was no necessity for all the posts which had been mentioned. There was no occasion for any troops at Pittsburg, and very few at Franklin or Presqu' Isle. It had been said the men might be employed in the batteaux; if this were to be the case, it should be so said in the law, as it had not been usual, nor did he believe the men would be willing to be so employed. Besides, he believed it would be much better to hire men for this purpose when they were wanted. And if the supplies were to be transported by land, persons could always be hired for the purpose. There was no need of guards, he said, in that country, as it was settling very rapidly, and no danger was apprehended from Indians. He believed half the number which had been mentioned would be sufficient for fort Franklin. If, indeed, it was made a depot, a larger guard would be required. The only danger from the Indians there was when they came across the lake; when they did this, they did it very suddenly.

But gentlemen seemed to have mistaken the object of these troops. They were spoken of as if they were necessary to defend the country. They were not wanted to defend any thing but the posts; they were of little use in defending the frontier. They sometimes, indeed, gave information of an attack, and sometimes not; but the defence of the frontier must always rest upon the people themselves, either in the form of militia or in rangers. This was the way in which settlements must be protected in case of war. Where there were settlements, there was, therefore, no need of posts. And a small force was only necessary in the posts, as the Indians would seldom attack a post, knowing the force which was in them. The greatest danger in posts was, from the Indians surrounding and starving them out. He remembered an instance of this kind at fort Lawrence.

It had been said that the number of men in service would always be one-third less than the nominal number, from a variety of causes. He should wish to provide against this by raising the wages of the men, or by any other way. He did not want skeletons of regiments; but if this evil existed, he should wish to cure it. He should vote for the reduction, because he thought three regiments would provide men enough for all the purposes for which they were wanted,

Mr. Rutherford again entertained the house on this subject, and in the course of his remarks he said, "he loved a soldier, he had been a soldier himself, and had long march-

ed and fought in his country's cause, *for nothing a day and found himself."*

The motion was, to strike out the following words, viz.

" *And be it further enacted,* That the president of the United States cause to be arranged the officers, non-commissioned officers, privates and musicians, of the four regiments of infantry, and two companies of light dragoons, now in service, in such manner, as to form and complete, out of the same, three regiments of infantry; and the supernumerary officers shall be considered, from and after the last day of June next, discharged from the service of the United States."

The question was taken, that the house do agree with the committee of the whole house, in the said amendment,

And, resolved in the affirmative, { Yeas 50.
Nays 44.

The yeas and nays being demanded by one fifth of the members present,

Those who voted in the affirmative, are,

Fisher Ames,
Abraham Baldwin,
Theophilus Bradbury,
Gabriel Christie,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
Henry Dearborn,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Ezekiel Gilbert,
Henry Glen,
Chauncey Goodrich,
Andrew Gregg,
Roger Griswold,
George Hancock,
Robert Goodloe Harper,
Thomas Hartley,
John Heath,
Thomas Henderson,
William Hindman,

John Wilkes Kittera,
George Leonard,
Samuel Lyman,
James Madison,
Francis Malbone,
John Milledge,
Frederick A. Muhlenberg,
William Vans Murray,
Alexander D. Orr,
John Page,
Josiah Parker,
John Patten,
Elisha R. Potter,
Francis Preston,
Samuel Sewall,
Samuel Sitgreaves,
Nathaniel Smith,
Israel Smith,
Samuel Smith,
William Smith,
Thomas Sprigg,
Richard Thomas,
Mark Thompson,
John E. Van Allen, and
Peleg Wadsworth.

Those who voted in the negative, are,

Theodorus Bailey,
David Bard,
Thomas Blount,
Nathan Bryan,
Daniel Buck,
Demsey Burges,
Samuel J. Cabell,
Thomas Claiborne,
John Clopton,
Isaac Coles,
William Findley,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
James Gillespie,
Nicholas Gilman,
Christopher Greenup,
William B. Grove,
Wade Hampton,
Carter B. Harrison,
John Hathorn,
James Holland,

Andrew Jackson,
George Jackson,
Matthew Locke,
Samuel Maclay,
Nathaniel Macon,
Andrew Moore,
Anthony New,
John Nicholas,
John Richards,
Robert Rutherford,
John S. Sherburne,
Thompson J. Skinner,
Jeremiah Smith,
Israel Smith,
Richard Sprigg, jun.
John Swanwick,
Zephaniah Swift,
George Thatcher,
Joseph B. Varnum,
Abraham Venable,
John Williams, and
Richard Winn.

Mr. S. Smith said several members who had wished to reduce the number of troops, had said they should have no objection to make an allowance to officers when they were discharged, to pay their expenses home. He would propose a new section, therefore, to this effect, viz.

“ That every commissioned officer who may have been deranged under the act for ascertaining and fixing the military establishment of the United States, or under the present act, shall be allowed dollars.” Agreed.

This bill was ordered to be engrossed for a third reading to-morrow.

Mr. Harper laid on the table several resolutions, proposing a mode of taking evidence in cases of contested elections.

Mr. W. Smith, from the committee of ways and means, reported a bill to provide for the assessment and collection of direct taxes; also a bill for laying a direct tax upon the United States. They were twice read, and ordered to be committed to the same committee of the whole on Monday.

Mr. Parker moved that the house should go into a com-

mittee of the whole on the bill from the senate, respecting an augmentation of compensations; but he gave way (after giving notice he should call up the subject to-morrow morning) to the taking up of Mr. Harper's resolution, laid upon the table some days ago, proposing to rescind that part of a former resolution, which had passed the house, calling for certain annual statements from the secretary of the treasury, respecting the duties laid on each separate article, which related to a list of revenue officers, with the allowance paid to each. He alledged that the furnishing of these lists would prove troublesome to the office, and could be of no real use as the sum total would be furnished, and as they might at any time get the particulars by an application at the office. Mr. Gallatin differed in opinion, and thought it very necessary to have these statements; and he said there could be no difficulty in furnishing the individual sums paid to each officer, since they must be known to make up the total.

The motion was put and negatived, 40 to 27.

Adjourned.

Wednesday February, 8th.

Mr. Swanwick from the committee of commerce and manufactures, made report on the petition of sundry manufacturers of chocolate, who complain of the heavy duty upon cocoa, being an injury to the business, and recommended a resolution to the following effect:

“Resolved, that the additional duty of two cents per lb. imposed on cocoa, by an act of the 7th of June, 1794, ought to be repealed after the day of next.”

The report was read the second time, and referred to the committee of the whole to whom was referred the resolutions on the subject of indirect taxation.

The bill in addition to the act for fixing and establishing the military establishment of the United States, was read the third time, the blanks filled up and passed.

Mr. Dwight Foster from the committee of claims, made reports on the petitions of Robert Mumford, James Brotherton, Elisha Holcomb and Francis Macdonald, which were severally against the petitioners, and were concurred in by the house.

The speaker informed the house that the hour was come at which they had appointed to meet the senate, for the purpose of counting the votes for, and declaring the election of

a President and Vice-President of the United States; and that the clerk would inform the Senate they were ready to receive them.

The clerk accordingly waited upon the Senate, and the President and members of the senate, soon after entered and took their seats, the President on the right hand of the speaker of the house of Representatives, and the members of the senate on the same side of the chamber; when the President of the senate (Mr. Adams) thus addressed the two houses:

“ Gentlemen of the Senate, and Gentlemen of the House of Representatives.

“ The purpose for which we are assembled is expressed in the following resolutions [He here read the resolutions which had been entered into by the two houses relative to this business.] I have received packets containing the certificates of the votes of the electors for a President and Vice-President of the United States from all the sixteen states of the Union: I have also received Duplicates of these returns by Post from fifteen of the states. No duplicate from the state of Kentucky is yet come to hand.

“ It has been the practice heretofore on similar occasions, to begin with the returns from the state at one end of the United States, and to proceed to the other; I shall therefore do the same at this time.”

Mr. Adams then took up the packet from the State of Tennessee, and after having read the superscription, broke the seal, and read the certificate of the election of the Electors. He then gave it to the clerk of the senate, requesting him to read the report of the electors, which he accordingly did. All the papers were then handed to the Tellers, viz. Mr. Sedgwick on the part of the senate, and Messrs. Sitgreaves and Parker on the part of the house of Representatives; and when they had noted the contents, the President of the Senate proceeded with the other states in the following order:

[illegible]

All the returns having been gone through, Mr. Sedgwick reported, that, according to order, the Tellers appointed by the two Houses had performed the business assigned them, and reported the result to be as above stated.

The President of the Senate then thus addressed the two Houses :

“ Gentlemen of the Senate, and Gentlemen of the House of Representatives,

“ By the Report which has been made to me by the Tellers appointed by the two Houses to examine the votes, there are 71 votes for John Adams, 68 for Thomas Jefferson, 59 for Thomas Pinckney, 30 for Aaron Burr, 15 for Samuel Adams, 11 for Oliver Ellsworth, 7 for George Clinton, 5 for John Jay, 3 for James Iredell, 2 for George Washington, 2 for John Henry, 2 for Samuel Johnston, and 1 for Charles C. Pinckney. The whole number of votes are 138; 70 votes, therefore, make a majority; so that the person who has 71 votes, which is the highest number, is elected President, and the person who has 68 votes, which is the next highest number, is elected Vice-President.”

The President of the Senate then sat down for a moment, and rising again, thus addressed the two Houses:

“ In obedience to the Constitution and laws of the United States, and to the commands of both houses of Congress, expressed in their resolutions passed the present session, I declare that JOHN ADAMS is elected President of the United States, for 4 years, to commence on the 4th day of March next; and that THOMAS JEFFERSON is elected Vice-President of the United States, for four years, to commence on the 4th day of March next. And may the Sovereign of the Universe, the Ordainer of Civil Government on Earth, for the preservation of Liberty, Justice and Peace amongst Men, enable them both to discharge the duties of those offices, conformably to the Constitution of the United States, with conscientious diligence, punctuality and perseverance.”

The President and Members of the Senate then retired, and the House came to order, when Mr. Sitgreaves made a report on the business, which was read and ordered to be entered on the journals.

Adjourned.

Thursday, February 9.

Mr. D. Foster reported on the petitions of Lawrence Fonda, Edward Lacey, John Walters and Andrew Duncomb, which was unfavorable to the petitioners, and to which the House agreed.

The report on the petition of Comfort Sands and others was read, and referred to a committee of the whole, on Tuesday next. It was ordered to be printed, along with the report of the Secretary of the Treasury therein referred to.

Mr. Sitgreaves, from the joint Committee appointed to concur with a Committee of the Senate, on the subject of the election of a President and Vice-President, made a further report, viz. that they had agreed with the Committee of the Senate to recommend to the House of Representatives the following Resolution :

“Resolved that the Clerk of this House be directed to give, by letter, to the Vice-President elect, notification of his election.”

This resolution was agreed to ; but some time afterwards, Mr. Parker, (one of the Committee) wished it to be rescinded, as he understood, though the committee from the Senate had concurred in this mode of notifying the Vice-President of his election, the Senate would not agree to it, but wished to follow the mode adopted on a former occasion, viz. a message was sent from the House of Representatives to the Senate, directing that the persons elected should be notified in such a manner as they should direct. He wished, therefore, to prevent delay, the resolution might be rescinded and a different one agreed to. This motion occasioned a good deal of conversation. It was observed by the Speaker that the resolution was already before the Senate (where it seemed it was not intended to be sent, as it was a distinct resolution of that house, a similar one to which was proposed, for the adoption of the Senate by the joint committee). It was at length, however, agreed to be rescinded. Immediately after which a message was received from the Senate, informing the House that they had disagreed to the resolution, and appointed a committee of conference. The House accordingly took up the message, and also agreed to appoint a committee of conference.

Mr. Livingston said that he had some time since laid a resolution on the table for an inquiry into the title of the United States to lands west of Pennsylvania; that a minute investi-

gation of the business had convinced him, that however the title might ultimately be found to stand, yet it was of a nature that would require more time than could properly be given to its determination during the session. In the mean time, he said, it had been suggested to him, that the interest of individuals might suffer while the business was before the House, and therefore, under these circumstances, candour required that he should withdraw the resolution, which he accordingly did.

Mr. Dearborne wished the House to go into a Committee of the whole on the Militia Bill.

Mr. Parker was apprehensive that subject would require more time than they should have to give it this session. He hoped, therefore, the gentleman would wave his motion, and suffer the bill from the Senate for augmenting the compensations of the Members of the Legislature and certain officers of Government, for a limited time, to be taken up.

Mr. Swift spoke against taking up the Militia Bill, and Mr. Hartley in favour of it, when the question was put for going into a committee of the whole on the Militia Bill, and negatived 42 to 26.

Mr. Parker then renewed his motion, and the House resolved itself into a committee of the whole on the bill respecting compensations. Mr. Muhlenberg in the chair; when

Mr. Parker moved to strike out the first clause. He thought it necessary to make some additional allowance to the President, but he would do it in a different way from that proposed. When the present President came into office, he said, he had a quantity of furniture presented him, which might now be nearly worn out, and be of little value. It might be proper, therefore, to purchase new furniture for the gentleman just elected. It would be also during the period of the present presidency, that government would remove to the Federal City, which would be attended with a good deal of expence to the President. He should wish, therefore, that a provision should be made for defraying that expence, and also for the purchasing of new furniture; but should be opposed to the making of any addition to the salary at present.

Mr. Hartley spoke in favour of retaining the clause.

Mr. R. Sprigg said he should vote against the proposed advance of salary, and could not consent to any other mode of augmenting the present compensation allowed to the President. He could by no means agree to the plan proposed by

the gentleman from Virginia; for, if they were to renew the furniture of the President every four or eight years, it would be found a pretty expensive business. That gentleman had also mentioned the removal of the government, as taking place during the next Presidency; but, he said, the new election would happen about the time only of removing the government, and provision for paying that expence might be made at that time. He thought the salaries were already sufficiently high, and that it would be with difficulty that money was found to pay the present expences of government.

Mr. Williams was of opinion, on the score of economy, that it would be better to advance the compensation of the President in the way proposed by the present bill, and let him purchase his own furniture, than to purchase new furniture, which, perhaps, when the government was removed, would not be suitable for his house in the Federal City.

Mr. W. said, he was one of the committee on the subject of compensations, and they endeavoured to ascertain whether the 25,000 dollars allowed to the President were an adequate compensation. It was generally believed it was not. They ought, he said, to enable their first magistrate to live in a stile becoming his situation. All their executive officers should receive such salaries as would enable them to see company agreeably to their rank, otherwise the respectability attached to those offices would suffer greatly in the public opinion. He hoped therefore, the section would not be struck out.

Mr. Buck said, as the motion now made was to try the principle, it would be well to go into an examination of the business. He said he had never been a champion for raising salaries, or a stickler for lowering them; but as the subject was brought before them, he should cheerfully declare his sentiments upon it. He conceived the true question to be, whether it was right and just that they should augment the salaries of the officers of government and the members of the legislature; or whether the present compensations were just and adequate to the sacrifices which they made in undertaking the business of government. Because he did not believe, with some other gentlemen, that they were to estimate the compensations of their officers in proportion as money was scarce or plentiful in the Treasury; nor did he believe there was a real distress in government for want of money, but that their difficulties arose from a difference of opinion in that house on the mode of raising money. He believed there

were persons who thought government squandered away the public money, that its officers divided the loaves and fishes amongst them; and that the only way in which this profusion of expence could be checked was by pursuing a system of direct taxation, which would make the people feel the amount which they contributed to the support of government. He should not undertake to examine this principle, nor deny that such facts might exist. It would be enough to look at existing circumstances in our country, and see how far they would apply. Our government he said, rested on public sentiment for support and must always be regulated by it. He was willing he said to go all lengths, with gentlemen in adopting a system of taxation calculated to raise a permanent revenue. Nor was he apprehensive for the result, when dictated by reason and justice.

Contemptible must be that state of government, said Mr. Buck, where its public officers are starved for want of a proper spirit in the people to support them. Is America, said he, arrived to this melancholy state? If she were, God forbid she should ever experience another revolution. Is this, said he, all our boasted acquisition, in return for the struggles we have made for our country? No; he denied the fact. America, he said, was not reduced to that state which will not allow her to pay the expences of her government; nor is she unwilling to pay them. Neither, said he, is public sentiment so debased as not to approve of any measure which shall be taken to secure a handiome maintenance for our officers. There was no occasion for hypocrisy in the business; he was willing to state the whole truth plainly to his constituents. He should not think of telling them they were giving too high salaries for their officers, when he knew, that owing to their insufficiency, they were diminishing their own private fortunes. Nor did he wish to intrench on his own property in serving the public; he believed there was no occasion for this. He should, therefore, speak plainly to them.

Mr. B. said, he would enquire whether the present salaries was a reasonable and just compensation for the service performed. In respect to the President of the United States, it was said that he had already a large salary. He knew that 25,000 dollars had a great sound in the ears of many, but he trusted the people of the United States not only possessed just views of government, but that they also possessed virtue to support the just measures of government, and would not con-

sent that their Executive officers should be placed on such a footing, as not to be looked down upon by officers from foreign countries who moved in a lower sphere. Therefore, when they looked into the reason of the thing, and found their present salaries were unequal to their support, not in the stile of splendour observed in foreign courts, but according to the manner of living in Philadelphia, would they not be willing to increase them? He believed they would.

The present President he said, was a man of fortune, and never took from the government more than would support his table, either during the war or during his Presidency. And, what he asked, did these expences amount to? To the whole sum allowed him by law. But were they always to expect to have a President who would give his services to his country? Or had the President set a bad example, by living in a stile of extravagance and splendour? He believed this was not the opinion of Americans, or that of foreign countries.

If then, the present President had lived upon his own fortune, and the whole of his compensation had gone to defray the expences of his table, if this compensation was not advanced, how were future Presidents to come forward, to support the same stile? they could not do it without infringing on their own fortunes. And do the citizens of the United States, he asked, wish their first magistrate to be placed in this situation? He could not think so. He believed they meant to make ample provision for his support; and if the present provision was found inadequate they would condemn their representatives, they would say they did not support the dignity of their country, if they neglected to advance it.

The same observations, Mr. Buck said, would apply to the Vice-President and to other officers of government. He did not wish the salaries of their officers to be such as should enable them to make fortunes out of them, but he would have them sufficient to afford a handsome living. Were they so at present? He believed not. It had been said the other day, that they could not afford to live in the same stile with persons who stood on the same footing with them before they went into office. He could not say whether they were obliged intrench on their own private fortunes; if it was so, he asked if it were reasonable or just that they should be so placed? It certainly was not; and, therefore, convinced as he was that the people of the United States were willing and able to sup-

port the expences of their government, and that they wished their officers to have a just and reasonable compensation, which should not only enable them to make a respectable appearance in the eyes of their own citizens, but in those of foreigners, he should have no scruples in giving his consent to the advances proposed.

As to the compensation allowed to the members of that house, here he had knowledge; he could speak from experience. He could say that he had diminished his income 1000 dollars a year since he had a seat in that house. Did his constituents, he asked, wish this? He believed not. They did not wish him to intrench on his private fortune, whilst he was serving them. They did not expect him to squander away their money in profusion; nor did he, he lived in the most economical stile; but they wished his reasonable expences to be paid.

Besides, said Mr. Buck, were the rates of compensation when first established, established upon this principle? He thought not. They were then thought to be a just and reasonable compensation; and, if it was not then unreasonable, it could not now be reasonable. Was it right, he asked, when every kind of labour was higher by one third or one half than at that time, that the compensations allowed to persons employed by government, should remain stationary? He could not conceive that this was either just or proper, or that the citizens of the United States wished it.

If any conclusion might be drawn from the practice of individual states, they should be warranted in making the proposed advance, since many of their legislatures had advanced the pay of their members. Indeed he believed the people were generally convinced of the necessity of advancing the compensations allowed to the officers of government and members of the legislature, under the present circumstances.

Mr. Buck said he was not for making a permanent increase of salaries, except to the President and Vice-President. He did not conceive that the members of the Legislatures ought to have more than was sufficient to support them, without obliging them to infringe upon their own fortunes. He wished the advance thereof, to operate no longer than until the present existing circumstances were removed; he should move, therefore, to have the duration of this regulation for one year, instead of two, as it was possible in the mean time the price

of living might be so reduced as to make the additional allowance no longer necessary.

Mr. Rutherford said, if gentlemen reasoned together for a moment, they would be convinced this measure was altogether improper and unjust. Our present president, said he, is looked up to with reverence, as to Cincinnatus, as a good republican.

When the commissioners from the Republic of Holland went to treat with Spain, they went in a stile of such simplicity as to command the greatest respect. They afterwards appointed a stadtholder, a man of great reputation and patriotism, doubtless, like our president; but, as soon as they suffered themselves to lose sight of their simplicity and plainness of manners, and got into the policy and splendour of courts, they were enslaved by their stadtholder; for, within these few years, the office of stadtholder had been declared hereditary. What an extravagance, said he, is this! That a man should be born a Stadtholder or a King! And added he, whilst the Roman people maintained their simplicity of manners, whilst Cincinnatus was amongst them, they were a happy people; but, when they lost sight of their plainness of manners, they lost sight of their happiness.

Let us look, said he, at our sister rising republic, and observe how they are doing away all pomp and pageantry in their government and country, and aiming at a simplicity of manners; but, said he, I fear we have not lost sight sufficiently of kings, priests, and courts. This was his dread. It was necessary he said, to bound these ideas. Patriotism, he said, could not be purchased, and should they despair of getting a man to fill the office of president without they increased the salary? Must they hire a man for this purpose? No, they should not be obliged to do this; there would always be found men of abilities and patriotism, to fill that office, without any view to pecuniary advantage.

Mr. Dent said, the question was to make an amendment by striking out the first section. Being in favour of that part which contemplated the addition of 5000 dollars to the salary of the President, and opposed to any addition to that of the Vice-President, he wished the question divided, in order to accommodate his vote.

The chairman said the motion was to strike out the whole section, and it could not be divided.

The motion for striking out was then put and carried, 55 members being in favour of it.

Mr. Parker then moved to strike out the second section, which, if agreed to, would destroy the whole.

The motion was put and carried. Ayes 53.

The committee then rose and the house took up the business.

Mr. Harper hoped the report would not be agreed to. He said, he had voted to strike out the additional allowances to the President and Vice-President, because whatever necessity there might be to advance the salaries allowed to *them*, yet the 7000 dollars proposed would be more properly divided amongst numerous officers who require bounty. He thought the same as to compensations to members of the House and Senate. Many of your officers, said he, have but just means to exist. If any thing could be spared he hoped it would be applied where it was most wanted. He hoped and trusted the house, before they increased the salaries of that description of people, (executive officers, &c.) would first be well satisfied they wanted it. He thought upon examination it would be found some of those officers did need an advance. He mentioned the comptroller of the treasury, and some others who were inadequately paid. He would wish it to be divided so that a just distinction might be made, as some part he should support and some reject. If the question could not be divided, he should vote against the whole, rather than agree to the addition proposed. Mr. H. thought it very necessary that some parts of the bill should pass. He could give his reasons, but he did not wish to recapitulate all the arguments that could be adduced to show the propriety of his ideas, that men of talents be employed in offices of trust, some of which were not sufficiently paid to invite such characters. He hoped before the decision, gentlemen would look over the list of officers included, and think whether, from recurring to their present allowance there was not some danger of losing them, without additional compensation. If on going over them one by one, there should be but one valuable officer in this situation, he hoped that one would be attended to. He should have mentioned some of these ideas before, but for the rapidity with which the vote passed the chair. He hoped they should disagree to the report of the committee of the whole, so as to go over the whole of the items.

Mr. Page said, from a view of our revenue and expences, this was not the time to increase salaries. He thought in proportion to the hardness of the times, every officer in the government should conduct his mode of living; every person feels in proportion. If the salaries of the officers of government was to be increased because living was more expensive, it was proportionable as to those people who would have to pay the proposed addition. He would rather lose a good officer than agree to this bill in any form. He thought it would have a very mischievous tendency. The household expences of those officers had better be retrenched than additional taxes should be laid to increase their salaries.

The question was agreed by one fifth of the members, to be taken by yeas and nays, "That the house do agree with the report of the committee of the whole, in their disagreement to the bill," and resolved in the affirmative.

Yeas 58.

Nays 38.

Those who voted in the affirmative are,

Theodorus Bailey,
Abraham Baldwin,
David Bard,
Thomas Blount,
Richard Brent,
Nathan Bryan,
Demsey Burges,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Isaac Coles,
William Findley,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin.
James Gillespie,
Christopher Greenup,
Andrew Gregg,
William B. Grove,
Wade Hampton,
George Hancock,
Carter B. Harrison,

John Hathorn,
Jonathan N. Havens,
John Heath,
Thomas Henderson,
James Holland,
Andrew Jackson,
George Jackson,
Matthew Locke,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
James Madison,
John Milledge,
Andrew Moore,
Frederick A. Muhlenberg,
Anthony New,
John Nicholas,
Alexander D. Orr,
John Page,
Josiah Parker,
John Patten,
Francis Preston,
John Richards,

Robert Rutherford,
John S. Sherburne,
Tompson J. Skinner,
Israel Smith,
Richard Sprigg, jun.
Thomas Sprigg,

William Strudwick,
Mark Thomson,
William Van Cortlandt,
Joseph B. Varnum,
Abraham Venable, and
Richard Winn.

Those who voted in the negative, are,

Fisher Ames,
Theophilus Bradbury,
Daniel Buck,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Ezekiel Gilbert,
Nicholas Gilman,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
William Hindman,

Edward Livingston,
Samuel Lyman,
Francis Malbone,
William Vans Murray,
Elisha R. Potter,
John Reed,
Samuel Sewall,
Samuel Sitgreaves,
Jeremiah Smith,
Nathaniel Smith,
Isaac Smith,
Samuel Smith,
William Smith,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
John E. Van Allen,
Peleg Wadsworth, and
John Williams.

A message was received from the Senate informing the House, that the Vice-President had laid before them the following communication.

“ Gentlemen of the Senate,

“ In consequence of the declaration made yesterday in the chamber of the House of Representatives, of the election of a President and Vice-President of the United States, the record of which has just now been read from your Journal by your Secretary, I have judged it proper to give notice, that on the 4th of March next, at twelve o'clock, I propose to attend again in the chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the

Chief Justice, or such other Judge of the Supreme Court of the United States as can most conveniently attend, and in case none of those Judges can attend, by the Judge of the district of Pennsylvania, before such Senators and Representatives of the United States, as may find it convenient to honour the transaction with their presence."

The Clerk of the Senate also communicated the following resolution.

"Resolved, That a Committee be appointed to join such Committee as may be appointed by the House of Representatives, to consider whether any, and if any, what measures shall be adopted for the further accommodation of the President after the 4th of March next; and that Mr. Sedgwick, Mr. Tazewell, and Mr. Reed, be a joint Committee on the part of the Senate."

Mr. Ames presented a petition from the manufacturers of Cordage in the State of Massachusetts, praying for an increase of duty to be laid on cordage imported.

Mr. Malbone presented a similar petition from Providence in Rhode-Island, and Mr. Livingston one from New-York, all of which were referred to the Committee of Commerce and Manufactures.

Mr. Livingston also presented a petition from the Inspectors of the Customs of New-York, praying for an increase of salary.

Referred to the Committee of the whole on compensation to those officers.

Mr. Livingston also, presented a petition from Sarah Macomb and others, praying that grants of certain lands in the vicinity of Detroit, made by the Indians to William and Alexander Macomb, as tenants in common, may be confirmed to the devisees of William Macomb deceased.

Referred to Messrs. Baldwin, Varnum, and Maclay to report thereon.

Also a petition of Hendrick Doyer, merchant and distiller of New-York, praying relief against a decision of the late Secretary of the treasury, relative to a penalty incurred for a breach of the revenue laws.

Referred to the committee of commerce and manufactures.

Mr. Gallatin from the committee to whom was recommended for the 5th ult. the report of the attorney general on the memorial on John C. Symmes, made a report, which was committed to a committee of the whole house on Monday next.

Mr. Harper moved the following resolutions :

Resolved, That the method of taking evidence to be adduced in the trial of contested elections for this House shall, hereafter, be as follows :

First.—The party intending to contest an election, shall give notice of such intention to the person returned. If it be an election in the usual course, this notice shall be given at least _____ weeks, before the time when the said person is to take his seat; if not in the usual course, but to fill a vacancy, then the notice shall be given within _____ days after the persons appointed to hold the election, shall have made known, publicly, the state of the poll. The notice shall be delivered in writing, at the usual residence of the person returned; and if he be absent, shall be left there open.

Secondly.—Either party intending to take examinations, shall then apply to some justice, or judge of the courts of the United States, or some chancellor, justice, or judge of a supreme, superior or county court, or court of common pleas of any state, or some mayor or chief magistrate of a town or city, and shall obtain a notification, under his hand and seal, directed to the opposite party, and requiring him to attend, by himself, or his attorney, duly authorized, and cross-examine the witnesses. This notification shall state the time and place of examination, and the names of the witnesses; and it shall be served on the opposite party, or his attorney, duly authorized, as either may be nearest to such place, provided either is within one hundred miles of it. For attendance, after serving the notification, one day, exclusive of Sundays, shall be allowed for every twenty miles.

Thirdly.—In all cases, where either party shall give notice to the other, of his having appointed an attorney, for the purposes aforesaid, it shall be necessary to serve the above mentioned notification on the attorney.

Fourthly.—Every person deposing, shall make oath or affirmation to testify the whole truth, and shall subscribe the testimony by him or her given, which shall be reduced to writing only by the magistrate taking the deposition, or by the deponent in his presence. The deposition so taken, together with a certificate of the notices, and proof of the service of them, shall be sealed up by the magistrate who took it, and transmitted to the Speaker of this House.

Resolved, That the examinations of witnesses, taken in this manner, and no other, shall hereafter be admitted on the trials of contested elections.

Resolved, That copies of any papers recorded in any office of record, provided those copies be attested under the hand and seal of the recording officer, shall be admitted at all such trials, in the same manner as the originals would be, if produced.—In like manner, copies of any other papers, of a public nature, and remaining in the possession of a public officer, shall be admitted, when attested under the hand and seal of that officer.

Resolved, That copies of those resolutions, shall be forwarded, forthwith, to the executive of every state, with a request, that they will cause the managers of every election, in their respective states, to be furnished with, at least, one copy.

Mr. Heath next moved that the consideration of these resolutions should be postponed till the 3d of March next, as they would take up too much time. It would be better for the next Congress to discuss them.

Mr. Harper said that it would be of no use to meddle with them, unless it were done immediately. They were designed to operate previous to the next session. Any mode of taking evidence was better than to have none at all. In the present state of matters, people came here from Maine or Virginia, to ask the House what were the rules of taking evidence. A late instance occurred from Georgia. The people waited here for a considerable time, and then went back with instructions how to proceed.

Mr. Sitgreaves argued that this remedy would not answer the defect. The resolutions, if past, would not bind the next Congress. This could only be done by a law passing through both houses. Hence it was needless to vote for them, as our successors may disagree to them. Mr. Murray differed from Mr. Sitgreaves, if rules are not made now, they will be too late. In a case so distant as Georgia, a year would at any rate be spent, before there could be a decision.

Mr. Sitgreaves said that a position had been assumed that the rules made in this house would regulate the next. This he denied. They were not binding on the succeeding house, unless they saw fit. He said that contested elections were *a growing evil*. There was very little encouragement for people coming from the country to contest them.

On a division, whether the resolution should be deferred till the 3d of March,

Ayes	34.
Noes	40.

The resolutions were then referred to a committee of the whole house on Monday next.

The Speaker laid before the House the following letter from the Secretary of the Treasury.

TREASURY DEPARTMENT.

February 9th, 1797.

SIR,

I HAVE the honour to transmit herewith, a statement of goods, wares and merchandize, exported from the United States, during one year, prior to the 30th of September 1796.

Of the whole value of said exports, being 67,064,097 dollars, it is estimated that about 26,300,000 has arisen from the exportation of foreign goods and merchandize.

I have the honour to be,

Very respectfully,

Sir,

Your obedient Servant,

OLIVER WOLCOTT, JUNR.

Secretary of the Treasury.

The Honourable the Speaker
of the House of Representatives.

A GENERAL STATEMENT

OF THE

EXPORTS OF THE UNITED STATES,

Commencing the 1st of October 1795, and ending the 30th
of September 1796.

SPECIES OF MERCHANDIZE.	<i>Quantity or Value.</i>
A SHES—Pot, - - Tons	3.661
Pearl, - - ditto	1.423
Apples, - - barrels	5.502
Beer, Ale, Porter and Cider, in casks, gallons	328.883
Ditto—bottles - - dozens	14.002
Beef, - - barrels	92.521
Biscuit or ship-bread, - - ditto	181.065
Ditto, - - kegs	26.102
Buckwheat, - - bushels	32
Barley, - - ditto	345
Bran and Shorts, - - ditto	80
Beans and peas, - - ditto	155.287
Butter, - - pounds	2.554.885
Boots, - - pairs	7.950
Bricks - - number	602.700
Corn—Indian, - - bushels	1.173.552
Cheese, - - pounds	1.794.536
Chocolate, - - ditto	29.698
Cotton, - - ditto	6.106.729
Coffee, - - ditto	62.385.117
Cocoa, - - ditto	928.107
Coal, - - bushels	9.536
Candles—Wax, - - pounds	9.978
Ditto—Spermaceti, - - ditto	221.903
Ditto—Tallow, - - ditto	1.997.398
Canvass or Sail-cloth, - - pieces	4.683
Cables and cordage, - - cwt.	8.707
Cards—wool and cotton, - - dozens	85
Ditto, playing, - - packs	200
Copper or Brass and Copper, man- ufactured, } Value Dollars	3.273
Coaches and other Carriages, - ditto	13.999

SPECIES OF MERCHANDIZE.					Quantity or Value.
Flour,	-	-	-	barrels	725.194
Fish, dried or smoked,	-	-	-	quintals	377.713
Ditto—Pickled,	-	-	-	barrels	84.558
Ditto—ditto,	-	-	-	kegs	5.256
Furniture—house,	-	-	-	dollars	9.483
Flaxseed,	-	-	-	busbels	256.200
Flax,	-	-	-	pounds	16.594
Gun-powder,	-	-	-	ditto	2.519
Ginseng,	-	-	-	ditto	10.713
Hats,	-	-	-	dollars	57.416
Hams and bacon,	-	-	-	pounds	2,096.177
Hair-powder,	-	-	-	ditto	30.561
Hemp,	-	-	-	cwt.	2.090
Hops,	-	-	-	pounds	76.634
Hides—raw,	-	-	-	number	40.363
Horned Cattle,	-	-	-	ditto	4.625
Horses,	-	-	-	ditto	4.285
Hogs,	-	-	-	ditto	6.752
Iron—Pig,	-	-	-	Tons	502
Ditto—Bar,	-	-	-	ditto	843
Ditto—Castings,	-	-	-	dollars	453
Ditto—all other manufactured,	-	-	-	ditto	160.094
Indigo,	-	-	-	pounds	915.635
Lard,	-	-	-	ditto	1.124.971
Leather,	-	-	-	ditto	127.044
Lead,	-	-	-	ditto	1.199.439
Meal—Rye,	-	-	-	busbels	152.784
Ditto—Indian,	-	-	-	ditto	540.286
Ditto—Buckwheat,	-	-	-	ditto	1.076
Mustard,	-	-	-	pounds	5.240
Molasses,	-	-	-	gallons	112.257
Mules,	-	-	-	number	1.718
Medicinal drugs,	-	-	-	value dollars	53.949
Merchandize and all articles not enumerated,	-	-	-	} ditto	6.794.346
Oil—Linseed,	-	-	-	gallons	34.721
Ditto—Spermaceti,	-	-	-	ditto	164.045
Ditto—whale and other fish,	-	-	-	ditto	1.176.650
Oats,	-	-	-	busbels	59.797
Pork,	-	-	-	barrels	73.881
Pitch,	-	-	-	ditto	18.083

SPECIES OF MERCHANDIZE.				Quantity or Value.
Potatoes,	-	-	busbels	48.767
Poultry,	-	-	dozens	5.084
Rice,	-	-	tierces	131.039
Rye,	-	-	busbels	4.319
Rosin,	-	-	barrels	14.183
Spices—Pepper,	-	-	pounds	491.330
Ditto—Pimento,	-	-	ditto	498.028
Ditto—all other,	-	-	dollars	6.235
Spirits—Foreign distilled,	-	-	gallons	667.506
Ditto—Domestic,	-	-	ditto	963.325
Shoes and slippers,	-	-	pairs	212.774
Skins and furs,	-	-	dollars	273.201
Saddlery,	-	-	ditto	4.823
Starch,	-	-	pounds	51.816
Soap,	-	-	ditto	2.713.729
Sugar—Brown and other clayed	-	-	ditto	34.848.644
Ditto—Refined,	-	-	ditto	984.146
Sheep,	-	-	number	6.140
Ship stuff,	-	-	cwt.	8.706
Salt,	-	-	busbels	52.163
Snuff,	-	-	pounds	267.046
Tobacco—manufactured,	-	-	ditto	29.181
Ditto—unmanufactured,	-	-	hogsheads	69.018
Tallow,	-	-	pounds	187.403
Tar,	-	-	barrels	64.600
Turpentine,	-	-	ditto	41.490
Ditto—Spirits of	-	-	gallons	28.628
Tea—Bohea,	-	-	pounds	74.547
Ditto—Souchong and other black	-	-	ditto	9.327
Ditto—Hyson,	-	-	ditto	30.531
Ditto—other Green,	-	-	ditto	20.923
Wheat,	-	-	busbels	31.226
Whale Bone,	-	-	pounds	308.314
Wax,	-	-	ditto	317.831
Wines—Madeira,	-	-	gallons	198.645
Ditto—all other,	-	-	ditto	1.505.427
Ditto—bottled,	-	-	dozens	30.108
Wood—Staves and heading,	-	-	number	34.588.904
Ditto—Shingles,	-	-	ditto	47.307.112
Ditto—hoops and poles,	-	-	ditto	3.711.062

SPECIES OF MERCHANDIZE.			Quantity or Value.
Ditto—Boards, plank, scantling, and timber,	}	feet	53.871.476
Ditto—timber,		tons	8.585
Ditto—all other, and lumber,		dollars	120.197
Ditto—Oak Bark, and all other dye		ditto	188.453
Ditto—all other manufactures of,		ditto	111.848

A S U M M A R Y

*Of the Value and Destination of the Exports of the United States,
agreeable to the above Statement.*

	Dollars.
To Russia and Dominions	47.381
Sweden ditto	1.096.407
Denmark ditto	2.675.589
United Netherlands and dominions,	7.875.364
Great-Britain, ditto	23.164.545
Imperial ports of the Austrian Netherland and Germany	35.959
Hamburg, Bremen, and other Hanse towns	9.471.498
France and Dominions	11.623.314
Spain, ditto	3.650.678
Portugal, ditto	559.448
Italy, ditto	1.100.522
China and East-Indies, generally,	1.352.860
West-Indies, generally,	3.367.942
Africa, generally,	537.355
North-west coast of America,	23.510
Europe for a market, and uncertain ports,	481.725
Total,	67.064.097

A S U M M A R Y

Of the Value of the Exports from each State.

			Dollars.
From New-Hampshire,	-	-	378.161
Massachusetts,	-	-	9.949.345
Rhode-Island,	-	-	1.589.872
Connecticut,	-	-	1.452.793
New-York,	-	-	12,208.027
New-Jersey,	-	-	59.227
Pennsylvania,	-	-	17.513.866
Delaware,	-	-	201.142
Maryland,	-	-	9.201.315
Virginia,	-	-	5.268.655
North-Carolina,	-	-	671.487
South-Carolina,	-	-	7.620.049
Georgia,	-	-	950.158
Total,			67,064.097

Treasury Department,

*Register's Office, February 7th, 1797.*JOSEPH NOURSE, *Register.*

Mr. Gallatin reported a bill for allowing a drawback on domestic distilled spirits exported in vessels of less burden than thirty tons by the Mississippi. It was twice read, and referred to a committee of the whole on Saturday.

Mr. W. Smith said he should lay a resolution on the table which he should call up in a day or two, the discussion of which would require the galleries to be closed. The house would not be at a loss to know to what subject it alluded.

The house took up the consideration of the disagreement of the senate on the mode of notifying the vice president of his election, and Messrs. Sitgreaves, Parker and J. Smith were appointed a committee of conference.

Mr. W. Smith called for the order of the day on the bill granting appropriations for the year 1797; and the house accordingly resolved itself into a committee of the whole on that subject, Mr. Muhlenburg in the chair, which was pro-

ceeded with until they came to the item for foreign intercourse, without any amendment, except allowing the purveyor a clerk, which had before been struck out.

Mr. S. Smith said that he was a careful man. He had saved to the public, within the last year, twenty thousand dollars, by going about to vendues, and buying articles cheaper than they otherwise could be had. Mr. S. Smith learned this from the secretary of the treasury. He had not himself seen the person. If deprived of a clerk, he might not think it worth while to take so much trouble, and the public would be losers.

On a division, the clerk was kept in.

Ayes 30.

Noes 28.

Mr. Gallatin moved that the committee might rise, as that would be an article which would call for considerable discussion, and it was then too late an hour to enter upon it. The committee accordingly rose, and had leave to sit again.

Mr. Gallatin moved a resolution to the following effect :

“ Resolved, That the secretary of the treasury be directed to lay before this house, a detailed statement of the expenditure of any sums which have been appropriated for defraying the expenses attending our intercourse with foreign nations, excepting such statements as have been laid before the house in any confidential communication by the president of the United States.” Agreed.

Adjourned.

Friday February, 10.

Mr. Sitgreaves from the joint committee appointed on the subject of the election of a President and Vice President, reported a resolution to the house, in conformity to that passed eight years ago, on a similar occasion, viz. requesting the Senate to notify the Vice-President of his election in such a way as they shall think proper, which was agreed to.

Mr. Dwight Foster, from the committee of claims, made report on the petitions of Peter Grove, Presley Thornton and William Moore, which were against the petitioners, and were concurred in by the House.

Mr. W. Smith, from the committee of ways and means, reported a bill for repealing in part the act laying a duty on spirits distilled in the United States, passed in May, 1792, and for imposing a duty on the capacity of stills of certain

descriptions, which was read a second time and ordered to a committee of the whole on Tuesday next.

Mr. Parker wished the unfinished business relative to appropriations to be postponed for the purpose of taking up the report on the naval establishment; as it was necessary to determine, before the appropriations were gone through, whether the house would complete the frigates, or take the means recommended with respect to the establishment of a Naval Yard, and for the security of a future supply of timber.

The following is a statement received from the Secretary at War of the present situation and appropriations necessary to complete and man the three frigates now building; with the report of the committee thereon.

War Office, January 11th, 1797.

SIR,

In compliance with your letter of the 21st ultimo, I have the honour to submit the inclosed statements, which exhibit as particular a view of the material objects of your enquiries, as could be obtained, without occasioning a delay that might have counteracted your intentions.

The measures that have been taken to prepare the rigging and sails, and to procure the necessary stores, and the advances made towards the final equipment of the frigates, render it probable, that they may be got ready for sea, in about two months after being launched.

While on this subject, permit me to observe, that if congress perceive advantages in the extension of their marine, or think it expedient, that early precautions should be taken to secure to the United States a lasting fund of live oak for future use; it will be proper, that authority should be given for the purpose, as well as to purchase a site for a navy yard.

The probability is, that an article so important to maritime nations as live oak, will be sought after with much avidity, and that the land which is clothed with it, may pass into hands that may make its attainment hereafter more expensive, if not impracticable.

But whether it is right, that the United States should be the purchaser of such land, is a question which no doubt you have examined.

I am, Sir,

With great respect,

Your obedient servant,

JAMES M'HENRY.

Honourable Mr. PARKER, Chairman of the Committee, for enquiring into the state of naval equipments, &c. &c.

Statement of the progress made in building a Frigate at Philadelphia, to carry forty four guns.

The hull is all planked inside and out, and all the principal decks are laid and caulked, excepting a part of the gundeck: the upper-deck beams are in and a part of them kneed; about half of the bottom is dubbed off, and a considerable part caulked: the braces and pintles for the rother, are all cast: the knee of the head, together with the figure, are nearly ready. All other parts of the hull, is in such forwardness, that it is expected she may be launched by the beginning of April next, provided the winter does not prove severe. The rigging is all made and nearly fitted: the yarrs for the cables are spun: the anchors and iron ballast on hand; and the blocks, deadeyes, water casks, boats, lanterns, and all the tin work, are provided. The other materials are in part procured, and the work in general progresses rapidly towards completion.

Statement of the progress made in building a Frigate at Boston, to carry forty four guns.

The whole of the frame is raised, and is ready for planking: the wales are prepared, and it is expected, will be on and fastened this month: the keelsons are in their places, and bolted off. The masts are now in hand, and the boats are building: all the deadeyes for lower and topmast shrouds are made and strapped. The knees for all the decks, are procured, as well as the beams, carling, ledges, &c. Iron

ballast sufficient, is in store, and the necessary materials for completing the hull, are procured and received.

The hemp for the cables, rigging, &c. and blocks, are in the hands of the respective tradesmen, manufacturing; and if the winter should prove favourable, there is no doubt but this frigate may be launched in July next.

Statement of the progress made in building a Frigate at Baltimore, to carry thirty six guns.

The whole of the frame is raised: the wales, black strakes; flush, quarter, and fore drifs on and dressed off. The cieling, clamps for gun, lower, and orlop decks, are all in and dubbed off. The beams are prepared and ready to be put into their respective stations. The bottom is now planking, and the knees are getting ready for the decks; other parts of the hull are progressing as fast as the workmen can be employed to advantage; and from present appearances, this ship may be launched in May next. The lower topmast and topgallant shrouds, with all their respective stays, are fitted and ready to go over the mast heads. The other rigging is also in great forwardness.

The boats are all built; water casks mostly made, together with the blocks, deadeyes, hearts, &c. &c. The cannon for the gundeck are all in the navy yard, trimmed, and are ready for mounting on the carriages which are made.

Estimate of the sums necessary to complete and equip the Frigates UNITED STATES, and CONSTITUTION, of 44 guns, and CONSTELLATION, of 36 guns.

To complete the frigate building at Philadelphia	55,950
To complete the frigate building at Boston	96,571 71

Carried forward 152,521 71

Brought over 152,521 71

To complete the
frigate building
at Baltimore

47,375

199,896 71

Salaries of two persons to have
charge of the timber in the
navy yards at New-York and
Norfolk

1,000

Rent of navy yards at New-
York and Portsmouth (N.
H.)

1,200

202,096 71

Balance of appropriation unexpended

24,133 78

To be provided for, to complete and
equip the above frigates, &c.

177,962 93

*An ESTIMATE of the expence for pay and subsistence of the Cap-
tains and Crews of two 44 guns and one 36 guns frigates.*

Pay of the officers, seamen and marines of two frigates of
forty four guns each.

	Dols. per mo.	12 mo.
2 Captains - - - - -	75	1800
8 Lieutenants - - - - -	40	3840
2 Lieutenants of Marines - - - - -	26	624
2 Chaplains - - - - -	40	960
2 Sailing Masters - - - - -	40	960
2 Surgeons - - - - -	50	1200
4 Surgeon's Mates - - - - -	30	1440
2 Purfers - - - - -	40	960
2 Boatfwains - - - - -	18	432
2 Gunners - - - - -	18	432
2 Sail makers - - - - -	18	432

Carried forward 13,080

		<i>Dols. per mo. 12 mo.</i>	
	<i>Brought over</i>		13,080
2	Carpenters - - - - -	18	432
4	Boatswain's Mates - - - - -	13	624
4	Gunner's Mates - - - - -	13	624
2	Sail maker's Mates - - - - -	13	312
16	Midshipmen - - - - -	13	2496
4	Master's Mates - - - - -	13	624
2	Captain's Clerks - - - - -	13	312
2	Cockswains - - - - -	13	312
2	Yeomen of the Gun Rooms - - - - -	13	312
22	Quarter Gunners - - - - -	13	3432
4	Carpenter's Mates - - - - -	13	624
2	Armourers - - - - -	13	312
2	Stewards - - - - -	13	312
2	Coopers - - - - -	13	312
2	Masters at Arms - - - - -	13	312
2	Cooks - - - - -	13	312
300	Seamen - - - - -	11	39600
206	Midshipmen and ordinary Seamen	9	22248
2	Serjeants - - - - -	10	240
2	Corporals - - - - -	10	240
2	Drummers - - - - -	9	216
2	Fifers - - - - -	9	216
100	Marines - - - - -	9	10800

98,304

4096 dollars per month, for each
frigate of forty four guns.

Pay of the officers, seamen and marines of one
frigate of thirty six guns.

		<i>Dols. per mo. 12 mo.</i>	
1	Captain - - - - -	75	900
3	Lieutenants - - - - -	40	1440
1	Lieutenant of Marines - - - - -	26	312
1	Surgeon - - - - -	50	600
1	Surgeon's Mate - - - - -	30	360
1	Sailing Master - - - - -	40	480
1	Purfer - - - - -	40	480
1	Boatswain - - - - -	18	216

4788 98,804

				<i>Dols. per mo.</i>	<i>12 mo.</i>	
			<i>Brought over</i>		4788	98,804
1	Gunner	-	-	18	216	
1	Sail maker	-	-	18	216	
1	Carpenter	-	-	18	216	
8	Midshipmen	-	-	13	1248	
2	Master's Mates	-	-	13	312	
1	Captain's Clerk	-	-	13	156	
2	Boatswain's Mates	-	-	13	312	
1	Cockswain	-	-	13	156	
1	Sail maker's Mate	-	-	13	156	
2	Gunner's Mates	-	-	13	312	
1	Yeoman of the Gun Room			13	156	
9	Quarter Gunners	-	-	13	1404	
2	Carpenter's Mates	-	-	13	312	
1	Armourer	-	-	13	156	
1	Steward	-	-	13	156	
1	Cooper	-	-	13	156	
1	Master at Arms	-	-	13	156	
1	Cook	-	-	13	156	
130	Able Seamen and Midshipmen			11	17160	
90	Ordinary Seamen	-	-	9	9720	
1	Serjeant	-	-	10	120	
2	Corporals	-	-	10	240	
1	Drummer	-	-	9	108	
1	Fifer	-	-	9	108	
40	Marines	-	-	9	108	

3513 dollars per month

42,516

SUBSISTENCE.

				<i>Rations per day.</i>	<i>12 mo.</i>	
3	Captains	-	-	6	6570	
11	Lieutenants	-	-	3	12045	
3	Lieutenants of Marines	-	-	2	2190	
2	Chaplains	-	-	2	1460	
3	Surgeons	-	-	2	2190	
5	Surgeon's Mates	-	-	2	3650	
3	Sailing Masters	-	-	2	2190	
3	Purfers	-	-	2	2190	
3	Boatswains	-	-	2	2190	
6	Boatswain's Mates	-	-	1	2190	
3	Gunners	-	-	2	2190	

Carried forward 39,055 140,820

				<i>Rations per day, 12 mo.</i>		
<i>Brought over</i>				39,055	140,820	
6	Gunner's Mates	-	-	1	2190	
3	Sail makers	-	-	2	2190	
3	Sail maker's Mates	-	-	1	1095	
3	Carpenters	-	-	2	2190	
6	Carpenter's Mates	-	-	1	2190	
24	Midshipmen	-	-	1	8760	
6	Master's Mates	-	-	1	2190	
3	Captain's Clerks	-	-	1	1095	
3	Cockswains	-	-	1	1095	
3	Yeomen of the Gun Rooms	-	-	1	1095	
31	Quarter Gunners	-	-	1	11315	
3	Armourers	-	-	1	1095	
3	Stewards	-	-	1	1095	
3	Coopers	-	-	1	1095	
3	Masters at Arms	-	-	1	1095	
3	Cooks	-	-	1	264990	
726	Able Seamen, Midshipmen and Ordinary Seamen	-	-	1	1095	
3	Serjeants	-	-	1	1095	
4	Corporals	-	-	1	1460	
3	Drummers	-	-	1	1095	
3	Fifers	-	-	1	1095	
140	Marines	-	-	1	51100	

400,770 Rations, at 20 cents per ration, is 80,154

Dollars 220,974

WAR OFFICE, Dec. 29, 1796.

Names of the Officers appointed.

Captain John Barry, to command the frigate United States, building at Philadelphia.

Captain Samuel Nicholfon, to command the frigate Constitution, building at Boston.

Captain Thomas Truxtun, to command the frigate Constellation, building at Baltimore.

Materials that have been sold agreeably to act of Congress; to which are added the prices and amount.

Plank measure. Feet. Inches.

White oak plank of -	3 inch,	2,503	9 at 90	Dollars,	-	225	33 $\frac{1}{4}$	
Ditto,	3 $\frac{1}{2}$ inch,	3,749	10 at 105	-	-	393	72	
Ditto,	4 inch,	2,274	5 at 120	-	-	272	93	
Ditto,	4 $\frac{1}{2}$ inch,	24	2 at 135	-	-	3	26 $\frac{1}{2}$	895 24 1-6
Cieling white oak plank of	3 inch,	806	2 at 70	-	-	56	43 1-3	
Ditto,	3 $\frac{1}{2}$ inch,	852	9 at 81	-	-	69	64	
Ditto,	4 inch,	1,303	3 at 93	-	-	121	64 1-3	247 71 1-6
Pitch pine plank	3 inch,	2,404	at 90	-	-	216	36	
Long white oak timber, tons 161	8 feet, at 10 dollars per ton,	-	-	-	-	1,612		
Short ditto, - tons 60	23 feet, at 6 do.	-	-	-	-	363	45	
White oak knees, -	1,547 $\frac{1}{4}$ inches, at 40 cents,	-	-	-	-	618	88	
Pine timber, - tons 10, 27	feet, at 3 dollars 50 cents,	-	-	-	-	37	36	2,848 5
Spruce spars, -	88 $\frac{1}{2}$ inches, at 8 cents,	-	-	-	-	7	8	
Locust trenails, of 36 inches, 1,200,	at 22 dollars 50 cents per M.	-	-	-	-	26	25	
Ditto,	24 inches, 3,000,	at 15	do.	-	-	45		
Ditto,	20 inches, 3,000,	at 12	do.	-	-	37	50	
Ditto,	18 inches, 8,000,	at 11	do.	-	-	90		
Ditto,	16 inches, 1,630,	at 10	do.	-	-	16	30	
White oak trenails,	318, at 60 cents per hundred	-	-	-	-	1	90 1-8	215 95 1-8
								4,214 5
								Dollars,

R E P O R T.

The committee appointed to enquire into the state of the naval equipments, ordered by former acts of Congress; and whether any, and what other naval force is necessary for the protection of the commerce of the United States, and support of their flag,

REPORT—

THAT in consequence of the act of the 20th of April, 1796, the president of the United States directed that the frigates building at Philadelphia, Boston and Baltimore, should be completed; that the building of the frigates of New York, Portsmouth in Virginia, and Portsmouth in New Hampshire, of course were discontinued. Upon enquiry, the committee find that the frigate building at Philadelphia, of 44 guns, and called the United States, is in such forwardness, that she may possibly be launched in April, and that in two months after, she may be made ready for sea; that it will require to finish this frigate, so as to receive her crew and stores, 55,950 dollars.

The frigate building at Boston, called the Constitution, of 44 guns, is not in such forwardness as the United States; and by the accounts from the proper office, it is not supposed she can be launched till July, and that it will be two months after before she can be put in a condition for sea; to complete her, exclusive of men and provisions, will require 96,671 dollars and 71 cents.

The frigate Constellation, building at Baltimore, of 36 guns, it is supposed by the officers of the department, may be launched in May next, and that in two months after she may be so far finished as to be ready to receive her crew and stores; for this ship the sum of 47,375 dollars is required.

The committee beg leave to observe, that the foregoing report is made from statements in their possession, from the department of war; but the committee do not believe that either of the ships can be ready to launch by the time mentioned, on account of the severity of the weather; but admit they should, a further sum of money will be necessary and must be speedily supplied, as it appears by the report of

the secretary of war, that all the money hitherto appropriated has been expended, except 24,133 dollars and 71 cents. In order that the house may have the necessary information on this subject, the committee gave the following statement.

	<i>Dollars.</i>	<i>Cts.</i>
Appropriated 9th of June, 1794, for the purpose of building six frigates -	688,888	82
For the purpose of building galleys or other vessels by the same act, and applied to this object - - - - -	80,000.	
Appropriated by act of June 1st, 1796, to pay captains - - - - -	5,000	
Total of appropriations	773,888	82
Required to finish the United States	55,950	
Ditto Constitution -	96,571	71
Ditto Constellation	47,375	
	973,385	53
	<i>Dollars.</i>	<i>Cts.</i>
Out of which deduct so much unexpended - - -	24,133	71
Materials sold per report - -	4,214	5
	28,347	76
	945,437	77

Thus it appears by official statements to your committee, that to build the three frigates, ordered by the act of congress of April 20th, 1796, it will cost the United States, with the materials now on hand, the value of which they have no estimate, the sum of 945,437 dollars and 77 cents, exclusive of fitting, manning, and providing them with provisions and stores: that the house may have all the information, as to the probable cost and yearly expenditure, the committee have on this subject, they state it as given in to them by the secretary of war, which will accompany this report.

That each frigate of 44 guns will cost, for wages per month, 4,096 dollars—estimate twelve months pay,

	<i>Dollars.</i>
For two frigates of 44 guns - - -	98,304
For one frigate of 36 guns, 3,513 dollars per month	42,516
Twelve months subsistence for three frigates, 400, 770 rations at 20 cents, is - - -	80,154
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Annual expense for two frigates of 44 guns, and one of 36 guns - - -	220,974
In addition to this, for the salary of two persons to take care of the naval yards at Portsmouth and New York - - -	1,000
Rent of the naval yards at Portsmouth in New Hamp- shire, and New York. - - -	1,200
<hr/>	
	223,174
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The committee refer to the report from the war department, to shew the timber on hand in the different yards, as well as what has been sold, the value of which they have no estimate, except as to what has been sold, nor have they been furnished with an estimate of the naval stores which are on hand, but, if the house should require those documents, they may be had at the proper office.

The committee beg leave to report as their opinion, that the sum contemplated by the war department, as necessary to man the ships, will be insufficient, under existing circumstances, as the rate of seaman's wages are estimated much lower than has been given by merchants, for their ships, within the last two years, and but little more than the usual wages in the most tranquil times; but from all circumstances, especially from the forwardness of three of the ships, and most of the materials being ready, they think it would be proper to finish them as speedily as possible, as an aid to our commerce and a support to its flag. Therefore,

Resolved, That _____ dollars be appropriated to finish, and equip for sea, the frigates United States, Constitution, and Constellation.

Your committee further report, as their opinion, that a sum of money should be appropriated for the purpose of purchasing and fitting up a naval yard; and also, that it would be expedient for the United States to secure some of the lands in South Carolina and Georgia, well clothed with live oak and red cedar timber, for the purpose of building ships of war. Therefore,

Resolved, That dollars ought to be appropriated for the purpose of buying and fitting up for the United States, a proper scite for a naval yard.

Resolved, That dollars ought to be appropriated for the purpose of purchasing live oak and red cedar timber, or lands stored with it, for naval purposes.

The first resolution having been read,

Mr. Parker said it would be seen that the report of the committee did not contemplate the manning of the frigates; and though it was their wish to have them manned and equipped for sea, yet on account of the present embarrassed state of the finances it was judged most proper only to ask 172,052 dollars to finish them: that sum would put them in a state to be ready to man and equip when necessary, which would come better under a future appropriation, as it was probable congress would again meet before this necessity occurred. He supposed no objection could be made to that; because if it was proper to begin them, it was as proper to finish them, else the whole sum already expended would be to no purpose, upwards of 700,000 dollars having been sunk in them; he had no doubt therefore that the house would order them to be finished, and not let them rot on the stocks and remain monuments of the versatility and folly of government. As this subject had been frequently under discussion, it was not necessary to say any thing upon the utility of these vessels; the committee were already well acquainted with the business. He said the sum wanted for this purpose would be 171,000 dollars.

Mr. Coit did not know but he might agree to complete the frigates in the way proposed by the chairman of the committee; but he did not think the resolution conformable to the wish expressed by that gentleman. He thought the frigate building business an unfortunate one; but, having gone so far with them, he believed it would be best to have them finished. He should, however be unwilling to go further. He would not equip and man them, but lay them up in port; but, if the resolution remained in its present form, the President would doubtless go on to officer and man the vessels. He thought, therefore, they should repeal that part of the act which authorized the President to man the vessels. Some gentlemen might think it would be sufficient to with-

hold the appropriations for this purpose ; but he did not wish to rely wholly upon this check. He would therefore move the following addition to the resolution as reported :

“ And that all such parts of the act for providing a naval armament as relates to the appointing and commissioning officers, and manning the said ships, ought to be repealed.”

Mr. W. Smith doubted whether this motion was in order, it seemed to be a substitute for that under consideration, and unconnected with it. The question under consideration, he said, was a grant of money for finishing the building of the frigates ; whether they were to be equipped and manned was another consideration altogether. It was contrary, he said, to the proceedings of that house, to bring forward one question as a substitute for another. After a decision on the original resolution had been had, the gentleman might bring forward his proposition.

Mr. S. Smith said the gentleman might try his question in a shorter manner, by moving to strike out the words, “ and equipped for sea.”

Mr. Coit said, if his amendment was agreed to, the words just mentioned, might be struck out. He did not think with the gentleman from South Carolina that his motion was a substitute for the original. It was merely a qualification of it. He was willing to vote for the finishing of the building of the frigates ; but not for their manning and equipment. The gentleman from South Carolina wished the question first to be taken on the original, and then on this amendment ; but that would not answer his purpose.

Mr. Parker said, he had already observed that the frigates were not intended to be equipped for sea at present, and he had no objection to the words relative to the equipping for sea being struck out.

The chairman gave it as his opinion that the motion was not in order ; but if the words, “ and equipped for sea,” were agreed to be struck out, it might then be introduced.

Mr. Nicholas moved to strike out those words.

Mr. Gallatin said the equipping and manning were two distinct things. In the act provision was first made for the construction and equipment, and then followed the clause respecting manning. He considered the amendment of the gentleman from Connecticut as applicable to the latter. Indeed it was uncertain whether that part of the act was yet in force. The act declared, that when a peace took place between the United States and Algiers, that part of the act

should cease. The act passed last session directed three frigates to be equipped, any thing to the contrary notwithstanding. The amendment proposed went to settle the business.

Mr. Sewal said he had no great objection to striking out the words in question; but as to the addition proposed by the gentleman from Connecticut, it was an independent resolution altogether. The finishing of the frigates was a distinct thing from the manning and equipping; and if the gentleman's motion was to obtain, when the resolution came before the house, it would be in the power of the house to divide it.

He said they ought not to vote for finishing the frigates, and at the same time repeal the act respecting the manning of them. There were existing laws authorising the President to build, equip and man them; and they must have the approbation of the other branches of the legislature, before they could do away any part of that law. If it was necessary to finish the frigates, he thought it was the express duty of the legislature to provide the means of manning and equipping them. But he thought it was not fair to connect them together, so as to make the agreement to one a condition for an agreement to the other. No gentleman wishing to build the frigates could decline voting for the original resolution, when the words "and equipped for sea," were struck out. They might afterwards refuse to appropriate for the manning.

The motion for striking out was put and carried.

Mr. Coit then renewed his motion, with this addition "except so far as appertains to any officers already appointed under the said act."

Mr. Nicholas wished the gentleman from Connecticut to inform the house what officers were appointed.

Mr. Coit said he had no accurate information; but he believed a few captains only were appointed who would be necessary to attend the building of the frigates.

Mr. Parker said, if his colleague would look into the report he would see there were only three captains appointed.

Mr. W. Smith hoped this motion would not be agreed to. He thought it very improperly introduced here. It looked like a design to constrain the Senate to agree to this proposition, or give up the frigates. The gentleman's own opinion, viz. that it was improper to defeat a measure in an indirect way, was against him. They had passed an act that the President should build and equip these vessels; but this mea-

tion proposed to annex a condition to the grant, viz. that that part relative to manning should be repealed. He thought the question should be kept distinct. It was in the power of the house to withhold the appropriations for manning them; under such circumstances the executive could not effect it, but this would be repealing a law of the land. We send the bill up to the senate with a grant of a certain sum to finish the frigates, and in the same bill we say they shall not be manned. Mr. Smith thought they would be of no use laying up in our dock yards. He was of opinion the vessels should not only be built but manned. He thought they would be of great service in protecting our coasts, in keeping off the piccaroons which at present infest them; and would also prove as an academy for instructing young officers in naval tactics. He should be sorry to pass a resolution to lay them up as hulks, after being at the expense of building them.

Mr. Nicholas said the gentleman from South Carolina had made an extraordinary discovery, viz. that if the present motion passed, it would be a restriction on the senate. If he understood the gentleman from Connecticut (Mr. Coit) he declined voting for completing the vessels, except this provision was annexed to the resolution. This was his opinion; and it was extraordinary that the gentleman from South Carolina should think this improper, when he himself had done the same thing. Did he not vote for the striking out of the words "and equipped for sea?" And if they were obliged by law to appropriate for the manning, they were equally bound to provide for the equipping, and yet that gentleman had dispensed with the one, and blamed him for dispensing with the other. Indeed, if they had not full liberty to grant or to refuse an appropriation, he could see no reason for annual appropriations; they might as well be made perpetual. If they could not check the improper expending of money by appropriation, that boasted power was a mere deception; but he was convinced there could be no doubt on the subject.

Though the resolution was passed together, two separate bills might be brought in, which might be sent up to the senate separately.

The building of these frigates, he said, had been an unfortunate business. The law had been got by surprise, at a time when members could scarcely think for themselves, and was carried by a small majority. He did not think a naval establishment could be of any service to this country. How could it operate? Unless it was such a force as to intimidate

an enemy, it could have little effect. And could we man a navy of this kind, he asked, if we were possessed of it? He believed not. The time at which such a force could be of any use, would be when other powers were about going to war, and he believed at such a period it would be impossible to find men for the purpose of manning a navy of any considerable size. There was no time, he said, since the commencement of the present European war, at which they could have manned a fleet. With respect to the navy at present contemplated, he could see no real use it could be of; for, if they were in sight of an enemy's privateer examining one of our ships, they could not resent it for fear of a war. Indeed, going into a navy at this time, was in effect going to war with one of the contending powers; for one of the effects of such an establishment would be to give them such an high idea of their own strength, as would be certain to lead to war sooner or later. And the misfortunes of one war, he said, would infinitely exceed all the advantages which could be derived from a navy.

Mr. Nicholas said, he did not know whether it would not be the best policy to stop where they were with the frigates; but, with the provision proposed by the gentleman from Connecticut, he would agree to finish the building of them, because he did not know but the vessels when finished, might be disposed of, so as to bring back a part of the money which had been expended.

Mr. S. Smith said, the gentleman last up was mistaken when he said the gentleman from South Carolina (Mr. W. Smith) when he voted for striking out the words "and equipped for sea," had done the same as he had blamed the gentleman from Connecticut with doing. He thought the words an unnecessary tautology; what he meant by equipped for sea, was having the sails bent, water on board, &c. &c.

Mr. Nicholas said it would save time to set the gentleman right. He meant to say that the equipment was provided for by law equally with the manning.

Mr. S. Smith said it only amounted to this, that gentleman explained the same thing differently from him. He had said this law was passed by surprise. It was no such thing; it underwent a very full discussion. That gentleman had asked of what use a navy would be to them? If they had had a navy during the present war, he would have told the European nations, we will throw our weight into the opposite scale, if you continue to insult and injure us. But that

gentleman was afraid of this, he had no fear, he only wished they had the power.

One nation, he said, had committed spoliations on our property to the amount of three millions, and another had done the same from five to six. This would have supported a navy, which would have kept us from a situation in which we are subject to indignities and insults from every power who chuses to commit them against us.

The same gentleman had also said, that at no period since the passing of this law could they have manned these frigates. He was of a different opinion. The present high wages arose in part from so many of our seamen having been taken from us by the British, on board whose ships as many have been pressed as would nearly have manned the frigates. That gentleman talked of finishing the vessels and selling them to defray a part of the expence incurred in building them; but, he could assure him, they would not all three sell for so much as one of them cost building, as they were too large for even the East-India trade. The only question was whether they could be got ready in time to send them to sea during the present year. If the select committee convinced him they could, he should vote for money to man and equip them; but if not, there was no necessity for doing so.

Mr. Parker wished the report to be read. He had no doubt but the three frigates would be finished by October. If they had been completed at the time originally proposed, they might have been very well manned, as he believed we had more men in the British navy, than would man six ships. If these vessels were ready, they might be used so as greatly to annoy the vessels of those nations who might think proper to injure us, going to and from the West-Indies, as they were obliged to come within seven days sail of our coast, and the season of the year at which they made their voyages being well known, there would be no difficulty in falling in with them. We might be to them, said he, in these parts, what the Algerines were to us in the Mediterranean. These ships, though few in number, would have a vere considerable effect in protecting our commerce; but at present, said he, we are the sport of all nations, because they can insult and plunder us with impunity. If, indeed, we were to adopt the Chinese policy, and give up commerce altogether, there would be no necessity for ships of war; but if we were to have commerce it must be protected. We are, said he, in a better situation now, in a commercial view, than Spain or England were a cen-

tury ago, as neither of these kingdoms had at that time, seven hundred thousand tons of shipping; and this quantity of shipping, he said, was employed in carrying out our own produce. If our commerce, said he, were not protected, our merchants would be ruined, and we must depend altogether upon foreigners to carry away our produce. There was only this alternative, either wholly to give up commerce, or else determine to protect it. He thought it would be disgraceful to abandon the finishing and equipping of the vessels, and nothing would have led him to have given up the equipping, but our present embarrassed finances. Indeed, if they were to act thus, their constituents would consider them as no better than fickle boys, having first agreed to build the ships and then to talk of burning them.

This country, Mr. Parker said, was able to build and man six ships and six frigates. It was farfical to suppose the contrary; but, they had acted as if they were afraid of calling out their resources; they gaped at gnats, and on some occasions swallowed camels. Mr. Parker said, he was not afraid of calling upon the people for direct taxes, they were able and willing to pay much heavier taxes than were contemplated to be raised, for the purpose of national defence, or for paying our national debt.

Mr. Sewall said, he had a strong objection to the proposition, as it would embarrass members in their votes on this occasion; but when considered in another point of view, it was very exceptionable, unless gentleman had adopted the opinion of the gentleman from Virginia (Mr. Nicholas) that that house had a right to refuse an appropriation for a purpose established by law. This doctrine, he believed, would not be agreed to by the mover of this question.

The effect of the amendment would be to apply to the senate to repeal an act; which if they did not think proper to do, this house would prevent any appropriation to carry it into effect. The senate might agree to, or differ from the proposition, but it would not appear well to attempt to force them.

Much had been said on the usefulness of a navy, he should therefore, desist from repeating: he wished the resolution so to stand, as that every gentleman might have an opportunity to avow his sentiments on the subject without any obstruction, he therefore hoped the gentleman would vary it accordingly. Mr. S. said he thought it absolutely necessary the frigates

should be manned: If they were to be finished it was proper they should be used in some form or other.

The gentleman had agreed that the captains were to be retained in pay: but what use were they if there were to be no men when the ships are finished? At least it was necessary that some men should be employed if only to take care of the vessels. He hoped the motion would be withdrawn that fair opportunity may be left to vote, and the senate prevented that disagreeable situation which must necessarily attend this way of doing business.

Mr. Coit had no doubt in his own mind, that when there existed a law, it was in general the duty of the different branches of government to carry it into effect; but he was not prepared to say there could be no instance in which he might withhold appropriations. He believed there might be such instances, and he deemed the present one of those cases; because he thought the evils which would attend the manning these vessels so great as to require him so to act. He did not say he would not vote for completing the vessels, if his motion did not pass though he felt inclined to do so; but he trusted his difficulties would be removed by this amendment being agreed to. Gentlemen had said, that many advantages would arise from this fleet. This was uncertain. It was his opinion they should not want officers at least for the ships, but he much doubted whether men could be got. The gentleman from Maryland (Mr. S. Smith) was more likely to be acquainted with the subject than he was, being a mercantile man and his opinion would of course have more weight with that committee, but it was his own opinion, they could not be manned; for, besides the present high price of labour, men were not so ready to go on board ships of war as merchantmen. He, therefore, supposed the frigates would be fully officered, would just have sufficient men to wait upon the officers, and that they would never leave our ports. But if manned and ready for sea, though he believed his views were as patriotic, and his wishes as earnest for the welfare of his country as those of any other member, he could see no real service on which they could be employed. If he could see all the advantages which some gentlemen had dwelt upon, as likely to arise from their going to sea, he should wish it as much as them; but he did not, he saw the expence was certain, and the advantages doubtful. He therefore hoped his amendment would pass.

Mr. Dearborn could see no reason why the present motion ought not to pass. In other instances they had though

it right to curtail their appropriations to what was really necessary for the object. There had already been very liberal appropriations towards the building of these vessels. They were originally to have cost 100,000 dollars each, but 300,000 had been expended, and more was now called for.

Mr. Dearborn said he was so far from wishing to see large sums given for this purpose, that he could wish the appropriations to be confined to completing the hulls of the vessels only. He believed it would have been a happy thing if they had never been begun. What the expence of the rigging and sails of the frigates might be, he did not know; if a considerable part of the expence had already been incurred, he should not object to completing them, otherwise he thought, if they judged in respect to the future by the past, and that the vessels which should have been built in four months were now going on for four years, the hulls would be as much as would be completed before the meeting of next session of Congress. He therefore wished to furnish only as much money as would effect that purpose. These vessels, he said, would cost double the price that vessels of the same kind would have cost in England and he believed there must have been great want of attention to economy in the business. It was not possible that men well acquainted with ship building, should have been so far mistaken in their calculations. He thought, therefore, they should begin to confine their appropriations and grant money only as it was wanted. As to manning, equipping, &c. it would be time enough to provide for these a year or two hence; for he believed if the vessels were now ready, it would be found very difficult to man them; and if manned, he did not see any use they would be of, except to join in war with some foreign power.

The question was then put upon the amendment, and carried, there being 58 in favour of it.

The question was about to be taken upon the resolution as amended, when

Mr. Dearborn said, before the question was put, he wished to amend the resolution by inserting the words "to finish the Hulls," instead of "to finish the vessels."

Mr. Parker said, if this amendment was agreed to, it would be necessary to say what was to become of the masts, spars, sails, canvass, rigging, &c. By this proposition it would appear as if the gentleman did not mean to finish the vessels at all. If this was his intention, the question had better be tried in that way.

Mr. Dearborn said, his object was not to prevent the ultimate finishing of the vessels; he only meant to confine the appropriation to what was likely to be wanted this year. He did not contemplate any loss, therefore, by sails, masts, &c.

Mr. Coit hoped the motion would not prevail. He believed the contracts were made for most of the articles necessary for the completing of the vessels.

Mr. Gallatin said, that it appeared to him that the law passed last year, had provided against the inconvenience mentioned by the gentleman from Virginia (Mr. Parker.) The law provides that the materials shall be safely kept for the use of the United States; therefore, such materials as would not be wanted for the use of the Hulls would be safely kept under the provision of the law. No objection could be had to the motion on that ground.

Mr. Parker said the materials for completing the vessels were mostly on hand, and only 171,000 dollars were wanted to complete them. It was true, he said, that these vessels would cost more than any other he had heard of. The common price in the British navy, he believed, was 1000l. sterling a gun. These ships cost more on account of the very high price of labour; but they were also larger than ships carrying the same number of guns in other countries; another deck would have made them as large as 74's, and if they had been built as 74's, they would not have cost more than 74,000l. sterling, but they had been built in their present form because they best suited for service. When finished, he believed, these vessels would be an ornament to the country. He had seen ships of almost every nation, he said, but he had never seen vessels equal to these.

Mr. Sitgreaves said, if he understood the question, the arguments of his colleague was sufficient to prove that the amendment ought to be adopted. The question was not what was to become of the materials when procured, but whether they were to be procured. It appeared that contracts were made for every part, so as to complete the ships, but this motion went only to have the hulls finished. If the house wished the department to fulfill their contracts, they should appropriate for that purpose, else it would leave the executive in an awkward situation. After every thing necessary to fulfill that contract to the completion of the ships had been purchased, it could be stored, or placed on board ship. He hoped the question would be decided, whether an appro-

priation should be made for finishing them according to former acts.

Mr. Dearborn did not know whether he understood the extent of the report of the committee. He would by no means wish to embarrass the executive, or prevent his fulfilling every contract. He understood that after every contract, which had been made, there would be 24,000 dollars remaining on hand; he supposed every contract was included in the report as money expended. His design was only to confine the appropriation merely to the sum absolutely necessary for the present year. If he understood it wrong, and the committee would inform him, he had no objection to withdraw his motion. As to the putting up the masts, rigging &c. he had not heard mentioned whether it was contracted for or not. He supposed, however, that it would not be done in the course of the present year. As he observed before, he would not object to the appropriation, if existing contracts absolutely required it.

Mr. S. Smith said, that the expression in the resolution was "that dollars should be appropriated for finishing the vessels." The gentleman from Massachusetts was afraid of unnecessary expence, and proposed to insert "hulls," instead of vessels. He believed this alteration would operate a very considerable injury to the United States; for, by the time the hulls was finished, all over head would be ready. If these ships were got ready for service, he said, they might be used, or not. When he left Baltimore, the coopers were at work on the water casks; but, if this motion passed, they could not be completed, and the same with respect to cables, and other materials which were in hand. Instead of this kind of proceeding being economy, it was downright waste. If they were his vessels, and he were building them for purposes of commerce (dead as all trade was at present) he would finish them, to be ready against a more favorable change. Indeed if these vessels were not soon finished, more money would soon be wanted for Algiers.

He acknowledged that these ships had cost much more than was expected. But if any one had made a calculation four years ago of the expence of building a house he would find that it would now cost double. He believed they had cost too much; but he believed this was no rule why they ought not to be finished. Until they were finished, he believed we should never have any certain peace with Algiers. They would make new demands; and, if they were not answered, would again

seize our vessels, and carry our citizens into bondage. No treaty would bind them, whilst we were without armed ships.

The question was put for striking out vessels, and inserting hulls, and negatived 51 to 22.

The next resolution which came under consideration, was that proposing the purchase of a site for a naval yard.

Mr. Parker doubted, from the spirit which seemed to be shewn on this occasion, that this resolution would not pass.

Mr. W. Smith hoped this would be agreed to. Whatever, he said, gentlemen may now think or determine on, it was probable we should sometime become a naval power; and even with the most distant prospect to that, it would shew economy to prepare for it: he said, it never could be too soon to begin the business, and the most effectual method of procuring live oak, and preserving it was to take the earliest means to obtain, and secure it when obtained, for seasonable use. He read an extract from the secretary at war's report in support of the plan.

Mr. Coit said he was alarmed at the expence of this business. He saw in the report the salaries of two persons already at Norfolk and Portsmouth for taking care of the timber at 500 dollars each, 1000 dollars. If, he said, they were to pay at this rate for overlooking the timber for one ship, what might they expect would be the expence of a naval yard?

Mr. Parker said, the persons to whom these salaries were paid took care of the timber at Norfolk and Portsmouth. It was necessary that some person should look after it, or it should be disposed of; but, in case the present resolution was agreed to, there would be no occasion in future to pay these persons as all the timber and other materials would be stored in the naval yard. He said he had received an estimate from the war-office of the expence which would be likely to attend the establishment of a naval yard. The expence of 100 acres of land, and all the necessary buildings, was estimated at 37,210 dollars.

Mr. Nicholas said, after having squandered so much money in getting timber for these vessels, he thought some change of habit should take place before they embarked largely on this subject. They had given twice or thrice as much as the timber was worth, yet they were now called upon to go on in the same course. It was not the time, he said, for going into this business. If such a thing was even proper, two or three years could make but little difference, and there could be little doubt, but every thing could then be bought at half price. This, however, was not his principal objection. It was this,

he did not want to see any such establishment, a navy would never do any real good to this country, but would increase the unhappiness of it. It would require large sums of money to support it; its benefits were doubtful, and it might be of very mischievous consequence to the nation.

Mr. Swanwick said he entirely agreed with the gentleman from Virginia (Mr. Nicholas) that there was a necessity for some change of habit; they appeared to be getting that change at present, and whatever their habits were at present, he supposed they would come right at last. Whatever might be their opinion of the necessity of a naval force, the European nations, he believed, would convince them of the necessity of it, if they only gave them time enough.

It was an extraordinary thing, he said, to look at the progress of economy in that house, with respect to these frigates. In the first place, six frigates were necessary; they were afterwards reduced to three, and because an officer was appointed to take care of the timber left on hand, a gentleman from Connecticut wondered that 500 dollars should be so employed. A motion had been made to confine the executive to finish the hulls of the ships only. This would have been a strange economy. Indeed such attempts were made at economy on this business as were never introduced upon any other. The gentleman from Virginia (Mr. Nicholas) had observed, there was no use for ships at all. If the house were of that opinion such a resolution had better at once be come to; but the strange sort of hesitating conduct which was adopted, exceeded all that he had heard of in legislation.

Had gentlemen who declared these vessels to be of no use, contemplated the situation of this country; that it depended wholly upon commerce for revenue; that that commerce was now put in jeopardy, and that no substitute had been found for the revenue thence arising? And would not all this hesitation, whenever the subject of a navy came under consideration, tempt European nations to continue their unjust depredations upon our property at sea? It certainly would.

But even gentlemen who wished to confine themselves merely to the finishing of the vessels at present, would not surely think it improper for them to establish a naval yard, and to secure timber for future use. Did those gentlemen consider what it was to deprive the country of a rich mine of ship timber? If they hesitated on this subject, they surely did not.

Mr. S. said, when gentlemen voted for an additional regiment to defend our frontiers, when it was acknowledged by

those who lived upon them that they were unnecessary, they did not shew such caution. He thought gentlemen should preserve a consistency in their votes; but whilst they were very liberal on some subjects, they were wonderfully economical upon others. And on what object, he said, could they bestow expence, that would make then so good a return as commerce? Upon none; for, after every deduction of expence which may be gone into for its protection, a large surplussage will remain.

What had been said by the gentleman from Maryland, on the subject of Algiers was very just; and the want of a naval power would have a similar effect upon all our negotiations, as foreign nations would rise or fall in their demands, according to power at sea. The money thrown away upon Algiers to purchase peace, would have been much better employed in building ships; for if we had a few ships that power would not have committed the depredations upon us which she had done. And, said he, whether the money was paid to Algiers or expended in building ships, it was in both cases for the same purpose, viz. the protection of commerce. But there was this great difference between the two expenditures. In the one case, the dollars were shipped off to a foreign country, and in the other they were paid to our own citizens. The iron used was from our own mines; the guns from our own manufactories; the hemp and every other material was of our own growth and manufacture, so that the money went into the hands of our artisans, manufacturers and farmers. And, therefore, though the frigates had cost a great deal of money, it was some modification of the expence, to consider, that the money was gone into the pockets of our own citizens. But, he asked if the loss we sustained for the want of a naval power, could be estimated? He said it could not. We not only lost our property, but our seamen, and they were not only lost to us, but were probably in the service of those countries which were committing depredations upon us. The loss of property, he said, might be recovered; but a hardy race of seamen once lost, could not be recovered.

What an affecting spectacle, said he, had we the other day, of sixty of these unfortunate men returning from Algerine slavery! They were received into the arms of their country with all the sympathy which the occasion called for; but could gentlemen help feeling, at the same time, for the impotence of our government, when they recollected the liberty of these men had been purchased at a very high price from a petty despot? And, said he, shall we continue to go on thus, and encourage

the Barbary powers to enslave our seamen, by shewing so great a reluctance to enter upon any measure which might afford a defence against their depredations?

He wished gentlemen to pause a little, before they determined to reject the present proposition; except, indeed, they were determined to turn a deaf ear to the distresses of commerce, by saying we will shut ourselves up in our cells, and if our citizens will go to sea, let them abide the risk: we will have nothing to do with ships of war; we will lay a direct tax, from which we will be able to raise a revenue independent of commerce, and live in peace. If this were their determination, experience would shew whether it was wise or otherwise.

Mr. Murray believed it would be a very prudent measure to secure the ship timber in question; for if we did not, it was probable some foreign nation would get possession of it. He did not know whether the laws of Georgia would permit foreigners to purchase the land upon which this timber grew; but if they would not, it would be no difficult thing to get possession of it through the medium of an individual. If this country were to become a maritime power, and no one who considered the subject for a moment could doubt it, this was too rich a mine to be neglected. What had been said about adopting the Chinese policy, might serve to amuse them; but when they looked at the commerce of the country, it was impossible they should not see the necessity of a naval force to protect that commerce against the depredations of any nation who chose to attack it. Indeed it was come to this, they must either provide for the protection of commerce, or deny the utility of it, and give it up altogether.

But the gentleman from Virginia (Mr. Nicholas) was afraid if these frigates were sent out to sea, they would involve us in a war. What! said he, can it be supposed that three frigates would give us that ridiculous kind of spirit which would induce us at any rate to go to war. This would be a species of insanity which he did not think it was probable we should fall into. No, these vessels would serve to protect our coasts, and preserve our commerce from attacks at least within a small distance from our own ports. How far they might serve to render us of some importance in the eyes of foreign nations, he could not tell: but he believed that three frigates would have a greater effect in this respect with us, than ten to Sweden, Denmark or Holland. We lie, said he, near the high road of commerce to the West-Indies, and these three frigates, backed by national wealth,

would shew a disposition to become a maritime power, and would have their effect upon European nations.

Besides, Mr. M. said, these vessels would be the foundation of a future navy. He was for shaping our means of defence to the means of offence employed against us by other nations; for until the European nations became wise enough to cease from war, it was necessary to provide means of defence against their attacks. He should, therefore, always give his support to every means of national defence. He wished our nation to stand upon a respectable footing as a nation, since the most magnanimous conduct was no security against the attacks of foreign powers. He should, therefore, be in favour of a naval yard, and of providing ship timber for future use.

Mr. Harper said, the two resolutions respecting a naval yard and a provision for timber should come under consideration together; because, if no provision was made for purchasing timber, a naval yard would be of no use.

This question, he said, was capable of being considered under two points of view; the one whether the measure was proper, and the other, if the measure was proper, whether it would not be better postponed for the present. Both of these points required a considerable degree of attention. There was a variety of considerations on both sides of the question, and it remained for them to be determined for the best.

Was it proper for this country, he asked, to turn its attention towards marine strength? Did not our situation, and the circumstances in which we stand; compel us to turn our attention to this object? He thought they did, and for one or two reasons which he would submit to the consideration of the committee.

It appeared to him out of question that any kind of commerce should be continued without some ships of war to protect it. This was the dilemma, in which we were placed. It was said by some gentlemen that this dilemma might be avoided, by suffering commerce to go on unprotected, and subject it to all risks; and that even then, there would be sufficient benefit arising from it, to induce its continuance. This he did not believe. If persons engaged in commerce, could have no dependance upon the protection of government, a very few years, perhaps a few months more, might con-

vince them that the business could not, and ought not to be continued.

The present government, he said, had only been in existence eight years, and nearly four of them commerce had been subject to every kind of depredation. The usual calculation with respect to Europe was, that during every ten years, it would be subject to war, and that these wars would have a duration of from 6 to 8 years, in the course of which our property and citizens would be subject to the same violations and injuries which they had for the last four years experienced, if no provision was made by a naval power, to prevent it.

Besides, he said, persons finding the inefficacy of government to protect them in their persons and property (for which purpose governments were alone instituted) would, in time, lose all respect for it. And this disposition would extend to all classes of citizens; for, though at first the merchants in seaports were the persons who experienced this want of protection, it would, by degrees, spread over the whole union; and, said he, after a government shall once become contemptible in the eyes of its own citizens, from its being unable to protect them, it was but another step for them to wish to drop it, and to hope for some new system under which they might receive that protection which they could not receive under it. He believed, therefore, commerce could not exist without a naval establishment.

Brought to this dilemma, said he, which side will you take? Will you give up commerce, or build a navy to protect it? Besides, he said, a great part of our citizens who had been trained up in commerce from their infancy, could not be driven from that kind of employment to which they had always been accustomed. They could not be induced, like the Chinese, to stay at home, they would be engaged in commerce their favourite pursuit. If they, then, were compelled to protect commerce, he asked if there was any other way of doing it, than by a navy? He believed not. Treaties afford a feeble and very inadequate protection; they were broken, whenever it suited the interest of a nation to break them. Letters of Marque might afford some protection; but this would operate as a heavier tax upon the people than even the support of a navy. The money which a merchant expended in this way would eventually come upon the people in the price which they would be obliged to pay for their

merchandize, and the means would be very inadequate to protection.

In China and the East-Indies, Mr. H. said, the inhabitants could shut themselves up within their own territory, and avoid any intercourse with foreign nations. In countries so far removed from Europe, as to prevent any one nation from making a monopoly of its trade, this policy might exist. But could America lay up her ships, and say she would open her ports to all nations? No; that very instant you give up your trade to that nation which has the greatest power at sea; for she will immediately block up your ports, and oblige you to trade with them only. In order, therefore, to trade with all nations, we must be the carriers of our own produce, for other nations would not leave us at liberty to do so. The strongest power would say to the others, you shall not trade with these people, you shall do so and so, or we will go to war with you. You must, therefore, said he, protect your own trade.

Will these resolutions, then, said he, if adopted, tend to this point? He believed they would. To provide a dock yard, and to take care of a supply of timber suitable for the purpose of ship building, were very essential steps. Much expence, he said, would be saved in carrying on the building of several ships together in one yard, instead of having them scattered in different parts of the union. Timber might also be laid up to season in this yard, so as always to be ready for use; for, he believed, that much of the delay which had attended the building of the ships now on the stocks, had been owing to the difficulty which had attended the procuring of proper timber. Besides, M. H. said, its being known to foreign nations, that you had provided a dock yard, would have some weight; it would at least have the appearance of an intention of building a navy.

With respect to the purchasing of land clothed with live oak timber, he thought it a very desirable measure. It was well known that this timber was confined to a few spots—a few sea islands on the coast of S. Carolina and Georgia, and some small strips along the sea shore; and in each of these places there were only a few trees of a sufficient size for building large ships. The land upon which these trees grew, since the cultivation of cotton had been introduced into those parts, was become valuable land for that purpose. This induced the people to cut down the timber and burn it,

for the sake of getting the land, and there was no way of arresting this practice, but by securing the land; and, being of so good a quality, when the trees were cut down; it would probably sell for a greater price than was originally given for it.

But, it might be asked was this a proper time for going into the business? He believed it was. It was his opinion, if they did not speedily lay hold of this timber, it might get into the hands of a foreign country. And, if the timber was secured, it was necessary to have a dock yard. He believed it important to go into the business at this time, when our commerce was in a very embarrassed situation; for, if this business was not now entered into, our citizens would despair of any thing being done for them. It was time, he said, they should show a disposition to repel the injuries which were loaded upon them by foreign nations; for, if we did not shew this disposition, we might expect continual repetitions of these injuries.

He was, therefore, convinced that this was the proper time to begin a business of this kind. He believed it would have been a fortunate thing for this country, if it had been begun five years ago. If this had been the case, he believed the frigates would long since have been finished. The sooner, however, they now begin the business, the sooner it would be completed. And when a dock yard was once established, a small expence would keep it up.

These considerations had appeared to him of sufficient importance to induce him to vote for the measure, and he trusted they would form some apology for his having taken up so much of the time of the committee.

Mr. Gallatin saw no connection between the two resolutions, which the gentleman just sat down thought it necessary to connect together. The last resolution proposed the purchase of land clothed with live oak; the present proposed the appropriation of a sum of money for purchasing the site of a naval yard, &c. as a foundation for a navy. The last went only to the securing of timber for the building of a navy, if at any day it should be thought necessary; he believed he should vote for the last, but certainly against the first.

They had been told that no commerce could exist without protection, and that that protection must be a navy; from whence it would follow, that if a navy was necessary to protect commerce it must be a navy competent to vie with the navies of

other nations. He would here ask, how gentlemen drew their conclusion, that commerce could not exist without the protection of a navy. He wished they would shew from the example of any nation in Europe, or from our own example that commerce and navies had gone hand in hand. There was no nation, except Great Britain, he said whose navy had any connection with commerce. No nation, except England and Holland, had more to do with commerce than this country, and yet we had no navy; and though for the four last years, this commerce had been subject to continual depredations, it was not exceeded by any nation, except the two he had named. And if they looked to Europe, they would find there was no connection between navies and commerce. Russia and Sweden had considerable navies, but little commerce; whilst Holland, whose navy was by no means large, ranked next to England with respect to commerce. Hamburgh, he said, was one of the first commercial states in Europe, yet she had no navy. Navies, he said, were the instruments of power more calculated to annoy the trade of other nations, than to protect that of the nation to which they belong.

The gentleman last up told them commerce could not exist without a navy, yet he said it was impossible to prevent persons who had been brought up in this way, from pursuing it. The gentleman seemed here to admit of a contradiction. If it were impossible to prevent the people from following their commercial pursuits, notwithstanding all the injuries their commerce sustained, he did not see how the position could be established, that it could not exist without a navy. As to what had been said about Chinese policy, he did not understand it. If they meant the Chinese had nothing to do with commerce, they were certainly wrong, for they had much commerce. It was true, from their ignorance, they did not undertake long voyages, either to Europe or America; they confined themselves nearer home, but they had, notwithstanding, very considerable commerce.

But there was another position which he should take in opposition to gentlemen who supported the creation of a navy, viz. that however useful or desirable a navy might be, this country was not equal to the support of one. We might have two or three frigates indeed, but, when he said we could not support a navy, he meant to say we could not support such a navy as should claim respect, in the sense which those gentlemen spoke of it; such as being an object of terror to fo-

reign nations. If they calculated what the three frigates had cost, considered the scanty manner in which this country was peopled ; our inability to raise any very large revenue ; and the high price of labour, the truth of this assertion would appear evident.

Again, if such a navy were created, how was it to be manned ? He wished gentlemen to point out any mode in which a navy could be manned in this country without having recourse to the abominable practice of impressment. If the nations of Europe found it impossible to man their fleets without having recourse to these violent means, he believed it would be impossible, without breaking down those barriers which secured the liberty of every citizen, to man a navy in this country.

Perhaps he might be asked, if we were, then, to be left without protection ? He thought there were means of protection which arose from our peculiar situation, and that we ought not to borrow institutions from other nations for which we were not fit. If our commerce had increased, notwithstanding its want of protection ; if we had a greater number of seamen than any other nation, except England, this, he thought, pointed out the way in which commerce ought to be protected. The fact was, that our only mode of warfare against European nations at sea, was by putting our seamen on board privateers, and covering the sea with them ; these would annoy their trade, and distress them more than any other mode of defence we could adopt.

In his opinion, there was a much more effectual way of securing the respect of foreign nations than by building a navy ; this was by applying all our resources to the payment of our public debt. Two thirds of our present revenue, he said, went to the payment of the interest of this debt. If we were therefore, first to exert ourselves to pay off that debt, a few years hence, he said, we should be infinitely better prepared to attempt a navy.

He judged for himself on this occasion, and he wished every member to do the same. He thought it impossible for this country at present to support a navy, and as a naval yard would be of no use, except it could be employed, he should be against granting any money for that purpose. He wished, however, if they possessed any advantages for ship-building, which might be desirable twelve or fifteen years hence, when our means were increased, he wished to transmit those advantages to the next generation unimpaired. He was, therefore, willing to appropriate a small sum for the purchase of live oak ;

not because we wanted now, but to secure resources for a future day, if they should be wanted.

The committee rose and had leave to sit again.

Mr. W. Smith said, yesterday, when the subject of appropriations was under consideration, some objections were made to the 50,000 dollars estimated as necessary for the purposes of Foreign Intercourse, and information was called for upon this subject. He had received some information on this head; but as he had it not officially, he would propose a resolution to the House for obtaining it. The following was proposed and agreed to :

“ Resolved, That the Secretary of the Treasury be directed to lay before this house such information as he may possess, or be able to obtain, relative to the expence of prosecuting the claims of our citizens whose property may have been captured by the belligerent powers, for which the sum of 50,000 dollars is estimated as necessary for the present year.”

The House, on motion, adjourned to ten o'clock to-morrow.

Saturday, February 11.

A petition of Susannah Ruffel, of the state of Virginia, widow and administratrix of Charles Ruffel, deceased, was presented to the house, and read, praying relief, in the case of certain lands granted for the military services of the deceased, as an officer in the Virginia line, on the state establishment, during the late war, which have been ceded by the United States, to the Chickasaw nation of Indians.

Ordered, That the said petition be referred to the committee of claims.

Ordered, That the report of the committee appointed on the 16th of December last, to enquire into the actual state of the fortifications of the ports and harbours of the United States; and whether any, and what further provision is necessary to be made on that subject, which lay on the table, be committed to a committee of the whole house, on Wednesday next.

Mr. Dwight Foster, from the committee of claims, to whom were referred the petitions of Ludwig Kuhn, and of Mordecai Sheftal, made a report which was read and considered: Whereupon,

Resolved, That the prayer of the petition of Ludwig Kuhn, cannot be granted.

Ordered, That such parts of the said report as relate to the petition of Mordecai Sheftall, be committed to a committee of the whole house, on Wednesday next.

Mr. Dwight Foster, from the committee of claims, to whom were referred the petition of the corporation of Rhode Island college, and a report of the Secretary of the Treasury thereon, made a report, which was read, and ordered to be committed to a committee of the whole House, on Wednesday next.

On motion,

Resolved, That a committee, be appointed to enquire into the propriety of authorizing the accounting officers of the Treasury to adjust and settle all such necessary expences and reasonable demands as have been occasioned by the prosecution and trial of persons for offences, during the late insurrection, to be paid out of the fund appropriated by the act of last session ; and that the said committee report thereon, by bill or otherwise.

Ordered, That Mr. Gallatin, Mr. Swift, and Mr. Nicholas, be appointed a committee, pursuant to the said resolution.

On motion, the House again resolved itself into a committee of the whole, on the report of the committee on the state of the Naval Equipment, Mr. Muhlenberg in the chair, when the question was put upon the following resolution, and negatived, there being only 23 votes in favour of it.

“Resolved, That dollars ought to be appropriated for the purpose of buying and fitting up for the United States, a proper scite for a Naval Yard.”

The last resolution, in the following words, then came under consideration, viz.

“Resolved, That dollars ought to be appropriated, for the purpose of purchasing live oak and red cedar timber, or lands stored therewith, for naval purposes.”

Mr. W. Smith hoped this resolution would be agreed to, as though that house was now disinclined to go into the building of a navy, it might be the wish of a future Congress to protect our commerce by an adequate naval force, it would be prudent therefore, to secure any advantages which we at present possessed, for building of ships of war. On this account it was, that it was proposed to secure certain lands covered with valuable ship timber. This, he said, was a subject of considerable magnitude. It was to be regretted that measures had not been adopted sooner to get possession of this land, as it would have been got cheaper than at present, but it would be got cheaper

now than if it were longer delayed. He thought it a desirable measure, and trusted it would be agreed to.

Mr. W. Lyman said, he wanted some information on the subject, before he could vote for the present measure. He wished to know how much land was necessary, whether all the land proposed to be purchased was covered with large timber. He supposed if this land was purchased, they must appoint Forresters to take care the timber was not carried off. But, perhaps, on enquiry, it might be found to be of more benefit to the country to have the land for cultivation, than to have it covered with timber. He wished these things to be made clear before he appropriated money for this purpose.

Mr. Venable thought this measure premature. It was necessary to have information on the subject; for, if he was ever so much disposed to purchase the land in question, he did not know what money would be necessary for the purpose. He neither knew the quantity of land, of timber, or the price of land in that country, and they had no kind of estimate before them. He had no objection to an enquiry being made on the subject, as to the quantity of land and of timber, and the probable price of it. This might be useful to the house and enable them to form some estimate on the subject; but, without such information, he did not know how gentlemen who were strangers to the country, could vote. Doubtless as soon as any law passed to purchase this land, it would be made a matter of speculation, and land which might be purchased low now, would then be charged a very high price.

Mr. Parker said he had made some enquiry on the subject, and found that there were large tracts of land in the state of Georgia, covered with this timber, and he had no doubt but a sufficient quantity might be got at from three to four dollars an acre. He had received an estimate from the War Office, of a tract of land on the island of St. Mary in Georgia, which might be purchased for 64,000 dollars, and would be sufficient, by successive growth, to serve the United States for centuries to come; but if advantage was not taken of this land now, some European government might get possession of it. In Great-Britain they had not sufficient timber for their navy, without having recourse to foreign countries; they were also similarly situated in France, and if their resources in the north of Europe failed, they would doubtless have recourse to America, and they would find no difficulty in getting possession of it. If, therefore, it was the object of this government at any time to have a navy, it was of consequence to secure this tim-

ber; it would be one of the wisest measures which could be adopted. As to this land being wanted for cultivation, that was scarcely probable; as there was land enough in that state to sustain four million of inhabitants, and they had not at present more than 100,000 white people in the whole state.

Mr. Rutherford was in favour of the measure, as proper and prudent; for, though he trusted we should never have a large navy, yet it was proper to have a reserve of this sort, as it might be sold for at least as much as it cost, if it was not wanted.

Mr. Milledge said the gentleman from S. Carolina (Mr. Harper) had made a correct statement with respect to the ship-timber growing in Georgia; there was a considerable quantity of it along the coast extending three or four miles from the shore. In collecting the timber for the frigates, there had been considerable difficulty, he said, in procuring timber large enough, almost the whole of their sea islands were examined for the purpose. Previous to the revolution, he said, the king of Great-Britain directed a survey to be made of their coast on the subject of ship timber, and there was one island in particular which was reported to contain the finest timber on the coast; this was the island of *Isparaw*. Since the introduction of the growth of cotton, the soil was become very valuable, and every year great quantities of this timber was cut down, for the purpose of clearing the ground for the cultivation of that article. This land, he said, sold for two or three guineas an acre. He thought if the United States were possessed of this island, it would be sufficient for building any number of ships for which they might have occasion.

Mr. Holland said, the gentleman from Georgia had informed them there had been great difficulty to procure timber sufficiently large for the frigates; the price of the frigates was a sufficient evidence of that difficulty. He had made a calculation, and found that five ninety gun ships built of Mediterranean timber would not cost so much as our three frigates. It was not necessary, therefore, to take any means to secure our timber, because, if it should fail, it might be procured from the Mediterranean upon better terms, it seemed, than from our own forests.

The gentleman from Georgia, S. Carolina, and Virginia, differed considerably with respect to the value of the land on which this timber grew. Besides, he said, it was not yet determined, that a navy would ever be desirable in this country, and therefore it was not necessary to go into a speculation of this sort. He thought they had much better pay their debts,

than go into speculations of purchases of islands for the sake of timber which might never be wanted. We should first be just and pay our debts, and then, if any thing remained, it might be appropriated to purchase timber islands.

Mr. Williams said, he was at a loss how to vote on this occasion. He did not know whether the land was good or bad, or whether the timber growing upon it was in large quantities, or in small. The gentleman from S. Carolina had said, the land was of the best kind, and that the timber would be cut down for the sake of cultivation; the gentleman from Virginia believed it very indifferent, and the gentleman from Georgia thought it worth three guineas an acre. In order to get some more accurate knowledge on the subject, he wished the President to be authorized to make enquiry on the subject, and proposed a resolution to that effect; but the Chairman informing him it was not then in order, it was withdrawn.

Mr. Heath said, it would first be proper to know whether there was a desire for increasing the navy, before they went into any scheme like the present. He believed there was timber enough on hand for the three frigates, and he saw no necessity for providing more. The gentleman from S. Carolina was apprehensive, that if we did not purchase this land the timber would get into the hands of foreign agents. He wished they would purchase it; he would rather have their money than the timber; he thought it would be of greater service to the country. He should be glad if they would purchase all our forests. He was sorry to see an appetite in that house for a large navy; to increase our ships of war, he said, would be to increase our folly, and disgrace our councils to posterity. Were this law to be passed, they might expect to have forty or fifty persons employed for one purpose or other; and they should have a quantity of timber lying in their naval yard rotting, for he hoped it would never be used for ships of war.

He said, he was sorry to see such a desire to imitate the practice of monarchical governments; he wished to stand aloof from European politics and European broils; and could almost wish, with an eminent philosopher, now no more,* that "Nature would raise her everlasting bars between the new and the old world, and make a voyage to Europe as impracticable as one to the Moon."

* Mr. Rittenhouse.

Mr. S. Smith said he was not in favour of the bars which the gentleman last up wished to be placed betwixt us and European nations. The resolution before them, he said, proposed to secure timber for the purpose of building ships of war at a future day.

It had been said by the gentleman from Virginia, (Mr Nicholas) that all the advantages which were derived from commerce would not counterbalance the evils which a navy would introduce. It would be proper, therefore, to enquire into this matter. Our commerce, he said, had grown up and surprised the world, and ourselves, without protection; but would this commerce continue to prosper, unprotected? He supposed not. Our commerce, he said, had produced from the establishment of the present government, a revenue of seventy-five millions of dollars. And how, he asked, had this been expended? It might be supposed from the arguments of gentlemen, that it had been lavished on commerce. Had this been the case? If it had, commercial men had no right to complain; but if it had not, they had a just right to complain that no protection was held out to them. Of this sum, there had been expended, he said, on the western frontier, and to quell the western insurrection, between twelve and fifteen millions; and the rest, how had it been applied? It had been applied to pay the interest and part of the public debt, to pay the civil list, and other expences of government. Except about 700,000 dollars which had been appropriated for the frigates, all these 75 millions had been expended on objects foreign from commerce. But gentlemen said these 700,000 dollars had been thrown away. Grant this; he trusted they should learn wisdom from it in future. Was then, one eightieth part of what had been produced by commerce too much to have been expended upon it? Some gentlemen seemed to be of that opinion, and wished the vessels sold. None of those gentlemen whose property of every kind had been increased by the plenty which commerce had introduced, were willing to hold out a hand to protect it, at a time when it was oppressed.

But, it might be said, commercial men did not pay this money. He knew they did not; he was well aware the people at large paid it; but it was derived from commerce, and without it would not have been paid.

He had said that only one eightieth part of the revenue produced by commerce had been expended upon it; but, was this revenue alone the only benefit derived from com-

merce? No; there were advantages every where to be seen in the prosperity and independence of the country, whether, said he, we look in the large cities, in the villages, or upon the plantation of the farmer, all carry the chearful appearance of plenty, as a consequence of commercial enterprize. Go where you will, said he, throughout the whole continent of America, and you see wealth, independence and happiness, arising from the prosperity introduced by commerce.

The nations of Europe, Mr. S. said, had long looked with envy on the American commerce, and, if it were to be left unprotected, they might seize upon it at pleasure. Had not this been the case? Had not Great Britain taken three millions of our unprotected property? And what did we say to them? We stood aghast looking at one another. One man proposed one thing, and one man another; we rested satisfied with sending an envoy to treat; a treaty had been made, but a single shilling had not been received, and the other day when 50,000 dollars were proposed to be appropriated to pay the expence of prosecuting these claims, many objections were urged against it. Indeed it seemed as if some gentlemen would have no objection to see the commerce of the country wholly destroyed.

Another nation seeing the spoliations committed upon our property with impunity by the British had followed her example, and had seized to the amount of from five to six millions. They had no commerce, and therefore it was out of our power even to retaliate upon them. They say, "you suffered the British to take your property to our disadvantage, therefore, we will take it to theirs." And so, said he, we are buffeted and abused on all sides.

He supposed, however, it was to no purpose going into arguments on this subject, as he doubted not the minds of members were determined upon it. In the course of 20 or 30 years, when it shall have been lost, we shall have learnt to know the value of commerce, upon which the happiness of the United States, in a great measure, at present depends.

They had been asked by the gentleman from Pennsylvania (Mr. Gallatin) in what nation, besides Great Britain, their navy went hand in hand with commerce. He would ask that gentleman in what nation commerce had flourished to any extent, without a navy? He knew of none; and the commerce of this country could not be brought as an instance, as unexampled depredations had been committed upon it for the last four years. It would be needless to shew to that gentleman,

that the commerce of all nations, from the earliest period of time, which was not protected by a navy, had been constantly kept in a state of depression. His own reading had doubtless furnished him with the information.

In the dark ages of European history, Mr. S. said, the Hanseatic League (of which Hamburgh was a port) rose up in the commercial line; they protected their commerce; they forced respect to their ships; though single cities, they stood against all the empires which surrounded them; until navies were raised against them. The Dutch afterwards rose into consequence, and extended their commerce to distant parts of the globe. At this period the commerce of England had scarcely a name. But during the long Parliament in England, the famous navigation act passed, after which the commerce of that country began to extend itself to every part of the globe. The waters of Holland, he said, would not admit of large ships, and in consequence their trade was depressed, and America at this time possessed more shipping than Holland.

The gentleman from Pennsylvania had said Hamburgh was without protection; but did not that gentleman know, that she owed her safety to the constant jealousy of Denmark and Prussia. And what was this trade, he asked? It was not carried on by their own ships. America did much to the support of that trade. When did you see, said he, an Hamburgh vessel? Scarcely ever. Their trade was principally carried on by the vessels of other nations. It was true, that at present it was a city of great commerce; but its liberty depended upon the jealousy of two great Potentates, and the moment they agreed, it would fall to that power which possessed the strongest naval force.

It was ridiculous, he said, to think of supporting any considerable commerce, without a naval force; but gentlemen say, if we had armed ships, they would lead us into war; so we could not have power, but we must abuse it. This was paying us no compliment; but he differed widely in opinion from gentlemen on this subject, he was of opinion that if we had twelve ships of war, no European power would commit the depredations upon us which they did at present.

Great Britain seized upon the ships of Denmark; what did she do in return? She armed, and said she would not submit to be so treated, and restitution was made. But what, he asked, was done to us? We were put off by a trial; and, after gaining our causes, we were sent to the West Indies, to

seek redress from the captain who committed the injustice against us ; and, if he were not able to pay, then we had to return again to G. Britain for satisfaction. If, said he, we had 12 ships of war, they would not treat us thus.

To him, he said, the conduct of gentlemen was very extraordinary. There were five large sea ports, from which came most of the revenue of the United States; these ports, for the good of the whole, joined heartily in the Federal government; before that time they were in the habit of raising revenue from other States, but they joined the General Government, in hope of meeting with protection from it. They now saw how they were to be protected. Fifteen millions of property had been expended in the defence of one part of the union, and yet the representatives from that quarter seemed to rise, as in a mass, to vote against any protection being given to commerce. He was astonished to see such a conduct from men so well informed on other subjects.

They had been told by the gentleman from Virginia (Mr. Nicholas) that it was necessary they should correct their habits. They were frequently told so from the pulpit; but prejudices, he said, grew up with them, which it was difficult to shake off. In some parts of the Union, commerce was carried on by means of foreign agents and factors, who took their produce at an under value; and being so brought up, persons were prejudiced in favour of that way of doing business. Perhaps the mind of the gentleman from Virginia might have a prejudice of this kind; if so, he could have no just idea of an independent commerce. He hoped gentlemen would endeavour to get clear of these kind of prejudices, and join heartily in supporting and protecting an honourable and independent commerce.

Mr. Coit said, if the gentleman last up was possessed of a spirit of prophecy, he might doubtless foretell the events he had mentioned; and if eloquence was to effect his point he might perhaps be successful; but eloquence was not argument, and he thought the gentleman had wandered greatly from the question, which was, whether a quantity of timber land should be purchased for the future purposes of government.

It was not surprising, that gentlemen who wished a naval establishment, should lay hold of every thing with avidity which led that way. For his part, he hoped the United States would not at present go into a navy. He believed

the United States would be more prosperous without a navy than with one. They, therefore differed in opinion, and except he should be convinced he was wrong, he should certainly vote against the present question.

But it was said, this timber might be wanted at some future period, when it could not be had. He thought the arguments on this point totally inadequate. No business could be undertaken by the public upon so good terms as by individuals. So soon as you open the door of the treasury, you cannot tell the amount which will be wanted out of it. When the land was purchased, it must be taken care of what further expence would be necessary, he could not say: Perhaps it would be said, when they were in possession of timber, that since they had the timber, they ought to proceed with building ships.

Besides, he said, there was no business so uncertain and ruinous as that of speculation to an individual, and if ruinous to individuals how much more so would it be to the public. The expence being certain, and the advantage very contingent, he should, therefore, be opposed to the resolution.

Mr. Gallatin said, he would not have troubled the committee again on this business, had not the gentleman from Maryland (Mr. S. Smith) attacked gentlemen from the frontiers, with being less inclined than others, to give protection to commerce.

On this ground, he had before stated, that the commercial interests of this country were so connected with those of agriculture, that any protection which it was in the power of the United States to give them, he would always be ready to give. He conceived that the protection given to commerce would tend to increase the price of produce; and though the farmers were not so immediately injured by any mischief which befel commerce, yet, in the end, the loss was pretty equally felt.

It was unnecessary, Mr. G. said, to examine into the truth of the statements which the gentleman from Maryland had produced with respect to the amount of revenue produced by commerce, or the expence of defending the frontier; because it would not be denied, that the whole of our revenue was produced from commerce, and that the expence on the frontier had been very considerable; yet he was mistaken in his assertion, the amount of our resources including loans, did not amount to 75 millions. He had no papers by him, and he could not trust his memory in respect to figures, yet

he would assert, that instead of 75, the duties arising from commerce since the establishment of the government, would fall short of 35 millions. He believed they would not exceed 30. Again, when the gentleman spoke of the expence on the frontier being from 12 to 15 millions, he was mistaken. He could speak with certainty on this subject. The expence of the military and militia was eight million, and the last year the amount of expence was 1,200,000; therefore, this expence was only nine, instead of twelve or fifteen millions.

He would observe, that this money was not expended solely for the protection of the frontier, nor at the request of the inhabitants, but for other purposes; and that gentleman must do him the justice to say, that when the question was before them for providing a defence for the frontier, he was as much for saving expence as upon this occasion. He had no particular view: his wish was to save expence, and thereby promote the general interests of the Union.

Mr. G. said, he was still of opinion that a navy was not essentially necessary to the protection of commerce. Nothing he had heard on that subject, had at all tended to change his opinion. It might to a certain degree be convenient; but he thought the expence greater than the advantages to be derived from such an establishment. In this assertion, he would say he was warranted by the example of all other nations. No nation, except Great Britain, had any navy in proportion to its commerce; and that navy was erected more for the purpose of extending her power, than for the protection of her commerce. He would assert, from an investigation of the most authentic official documents, that the amount of tonnage employed in foreign trade in this country, was equal to that employed in any other except Great Britain. The object of a navy, he said, was not so much to protect commerce as to augment the power of a nation. But, if we were to be dazzled by the conduct of Great Britain in this respect, so as to desire to imitate her example, because she is a powerful nation and has an extensive trade, it would be well to consider the consequences of this policy. It was true they had three hundred ships of war. And what, said he, is the price they have paid for them? Their public debt is upwards of three hundred millions sterling, and this debt had been chiefly produced by this navy. This was not merely his opinion, he would refer to Sir John Sinclair, the author of a treatise on the revenues of Great-Britain, who proves, that it had been owing to the navy that their debts was at the enormous amount

he had mentioned, and that extensive navies had been the ruin of every nation which had possessed them.

But, Mr. G. said, he might be told that this was a mere theoretic opinion of his own, and that a navy was essential to this country. He said, he did not presume to judge for generations to come; but he would repeat that we were not at present capable of supporting a navy; our situation would not admit of it; our revenues were not sufficient, and men could not be got, without recourse to arbitrary and unwarrantable measures to raise them.

He had said, when he was up yesterday on this subject, that if we were in possession of any resources for ship building, he should wish them to go unimpaired to posterity, and that he was therefore willing to do something towards the purchase of land; but, from the information which he had received that day, on that floor, he thought the resolution premature.

They had been told by the chairman of the committee, that 64,000 dollars would be sufficient to purchase sufficient timber land for the purpose in view; a gentleman from Georgia had told them that a certain island must be the object, which was worth from two to three guineas an acre; but he had also told them, that it was with great difficulty that timber was found sufficiently large for the frigates now building. It followed, that those islands did not produce timber sufficiently large for ships of war, though it might be large enough for merchantmen. Though this timber might be very good, yet if its size did not answer, the business was premature. He thought they ought not to go further, therefore, at present than to empower the President to make enquiries on the subject.

Mr. Christie said, he was far from thinking commerce was not worthy of protection. He would give it all the protection he could; but he thought it might be more economically protected than by a navy. Four years ago an effectual protection was proposed, but it was then called a paper, chimerical protection; but it would have been found a better protection than frigates. He trusted he should never see a single armed vessel belong to the United States; he hoped also that his posterity might not. He did not wish to see so much of the property of the people of the U. States engaged in this business; it would be the saving of *pence*, at the expence of *pounds*.

It was an extraordinary thing, he said, that at a time when they had not money to pay for a house for Congress to sit in, gentlemen should wish them to go into a speculation like the

present. It was said this land might be purchased for 60,000 dollars, but he was certain they should not purchase it for 30l. an acre. He knew it was got into the hands of those who would make money by it. He thought if the object was to keep it from foreigners, it would be much better to pass a law to prevent the exportation of the timber, than to purchase the land. But, said he, if by sowing an acorn, it would grow up into a first-rate ship of war every year, I would not give a dollar for that acorn, if it must be employed in the service of the United States. When the vessels were finished, he should vote for selling them. Indeed, he would much rather they were burnt, than that they should be manned: for, so far from their being a protection to commerce, they would certainly involve us in a war. The moment they went out, they would be treated with indignity by the British or French; and then, said he, we should have another envoy to send to G. Britain or France, to *beg* of them to accommodate the business. He had voted against the frigates from the beginning, and would continue to do so.

Mr. Parker thought it necessary to remark upon what had been said, with respect to the different estimates which had been made of the value of the timber land in Georgia. It was true, that the island mentioned by the gentleman from Georgia, was worth three guineas an acre; but there were others which might be purchased for four dollars. In searching for timber for the frigates, the whole of that coast was ransacked; but, he believed, on every part of that shore, plenty of timber was to be got for the sum which he had mentioned.

Mr. Milledge said, the timber in the southern part of the state of Georgia, was not so good as in the northern. Land in the south might be got at three dollars an acre; but he believed it would not be found to answer the purpose so well as the timber in the more northerly parts.

Mr. W. Smith said, he did not expect that the consideration, whether this country was likely to become a naval power, would have come into consideration on this question; but as it had been introduced, it would be necessary to say a few words on that subject.

It had been said, by the gentleman from Maryland (Mr. Christie) that he was opposed to the purchasing of land; but that the timber might be secured by prohibiting the exportation of live oak; but he immediately said, he should not wish to see this timber in ships of war, and if he did not wish

to see it made use of in this way, there was no occasion to prevent its exportation.

Mr. S. said, as it had been made a subject of enquiry whether this country should become a naval power or not, they should consider how much our revenue depended on commerce; how much the habits of our citizens were commercial; and learn, from the histories of other countries, that commerce cannot be protected but by a navy. He said he was not singular in his opinion. He could produce the opinion of a man from the state, whence much of the opposition to this measure proceeded, an opinion which would doubtless have considerable weight in that house. He alluded to Mr. Jefferson's notes on Virginia, [Mr. S. here read a pretty long extract from Mr. Jefferson's book, in favour of a navy for the protection of commerce in this country.]

If the resources of the United States were such (and Mr. Jefferson said they were) or might be in a few years, that a moderate assessment from the different states, would enable them to build eighteen ships in one year, gentlemen should not be so alarmed at the measure of a naval force. It was true, there were many objections to going into a business of this kind at present, the greatest of which was the present high price of labour. The price which the frigates now building would cost was very great, but the expence of every undertaking was at first large. The exploring of timber, &c. produced an expence which would not again occur. Mr. Jefferson seemed fully of opinion that this country was equal to the building and the supporting of a navy. This opinion was further confirmed by his report made to that house some years ago. [Mr. S. read an extract from this report, and also an extract from a speech of some member in a former Congress on this subject.]

Mr. S. said he could not conceive why the United States were not as competent to a navy as European powers, whose resources were not equal to ours. He could name three powers who were in this situation, viz. Sweden, Denmark and Holland. He enumerated their resources to be as follows:

In Sweden, the population in 1772 was 3 millions, revenue 11 millions, national debt 60 millions; she had 30 ships of the line, 12 or 14 frigates, 50 gallies, and from 15 to 17,000 seamen.

In Denmark, the population at the same time was two million two hundred thousand, revenue seven millions, and

but little debt; she had 31 ships of the line, 9 fifties, and 21 frigates.

In Holland, the population in 1772 was 2 millions; in 1785, 2,700,000; but in 1796, it had been so reduced by the revolution as only to be 1,880,000; the revenue of the seven United Provinces was 4,500,000; debts 2000 millions of florins, or 200 millions pounds sterling, owing by other countries to Holland 585 millions of florins. The navy in 1782, was 42 ships of the line, 43 frigates and 10 cutters.

Mr. S. said these resources were inferior to those of the United States, and therefore insured that we were equal to the maintaining of a fleet, particularly said he, when a much smaller one would serve us (according to the opinion of Mr. Jefferson) than served them, since European powers could never send out more than a detachment against us, which, from so long a voyage, would always be liable to accident and injury.

The gentleman from Pennsylvania had made some observations with respect to the navy of Great Britain in which he could not concur. That gentleman did not take into consideration, that it was to her navy that that nation owed its independence. Admitting that her debt had been greatly increased by her navy, did not every gentleman see, that if it had not been for her navy, she would have been subject to other powers. Great part of her debt was, however, incurred by land wars on the continent of Europe.

It was observed yesterday, by a gentleman from Virginia (Mr. Nicholas) that the law for building the frigates was passed by surprize, and very properly answered by the gentleman from Maryland (Mr. S. Smith) that it underwent a very full discussion. But, said he, what occasioned this law to be passed? They found their commerce injured by foreign Powers, and wished to prevent those injuries in future. The majority was then in favour of a navy, and what could have occasioned a change of opinion in that house he could not tell.

Gentlemen exclaimed, what will three frigates do? Every power he said, must begin with a small power at first. He mentioned a remarkable fact on this subject last session, which he would repeat, viz. that the privateers fitted out in Liverpool alone, in the course of the late war carried as many guns, as the whole naval power of England consisted of in the reign of Queen Elizabeth, and it was at that time thought very considerable.—Besides, he said, those gentlemen

who advocated the building of the frigates, were not to blame for their number being so small.

Six were originally proposed to be built, but they had been reduced, contrary to their wish, to three. If there was any instability in this, it was not chargeable upon them. Another thing should be considered, when gentlemen spoke of the power of these three frigates so lightly. It should be recollected that these frigates were nearly as large as ships of the line, and might easily be converted into 74 gun ships. We might, therefore, in a few years, have a navy sufficient to protect our commerce. Mr. S. said they should not then have to spend their time in a waste of words in abusing foreign countries; whereas, at present, they were one day declaiming against Algiers* because our peace with that country had cost a great deal of money; at another time, it was said we must not have frigates, because the expence was great; some gentlemen would not have a land tax, because the expence of laying the tax would be considerable. But for his part, he was for having revenue as fast as he could raise it, and he was for having a navy as fast as he could get it. He believed the country would cheerfully bear the expence of it. At any rate, said he, let us secure timber for a future day. It was known that foreign agents had taken surveys of the land upon which this timber grew, and it was no more than prudent to take means to secure it. The observations he had read from Mr. Jefferson proved this. As to making the enquiry which had been mentioned, that would defeat the object, according to gentlemen's own arguments, as it would doubtless promote speculation; and therefore he thought it would be much more prudent to give the President power to purchase, whenever he could do it to advantage. Admitting (as had been hinted) that speculators had already bought this land, they must sell it. There were times when speculators wanted money, and when they would sell any thing they had.

Another difficulty had been mentioned, that if the land was purchased, persons must be employed to take care of it. Suppose that were the case, what then. If 5 or 600 dollars were paid for this purpose, it would be no great object; but he believed there would be no necessity for this expence, as the officers of government in that quarter, might be charged with the care of it.

* This declamation has taken place with closed doors.

Upon the whole Mr. S. said, he thought it was their duty to authorise the President to purchase this land, as he was convinced the timber would be wanted at a future day.

Mr. Heath wished to cite a passage from Mr. Jefferson's book, which the gentleman from S. Carolina had thought proper to omit. [He read the extract which recommends above all things the cultivation of peace, and that it would be better to abandon the Ocean altogether than be perpetually in war.] He charged the gentleman from S. Carolina with perverting the author's sentiments with reading a part only of his sentiments; but, said he, it is a little lawyer like, the case was *in point*.

He noticed what had fallen from the gentleman from Maryland (Mr. S. Smith) with respect to their doing business by means of foreign Agents. He said that time was past; they were now indebted to their brethren in the Northern and Eastern States for doing their commercial business, and they did not envy them of it.

Mr. Murray justified the fairness of the quotation made by his friend from S. Carolina from Mr. Jefferson, and said the two quotations were perfectly consistent with each other.

Mr. Page said, he would not have troubled the committee of the whole with what occurred to him on the subject before them, had not the member from South Carolina (Mr. W. Smith) quoted authorities in favour of his opinion, from Mr. Jefferson's notes on Virginia, and used expressions, which, whether intended or not, might appear to those who heard them, like insinuations that those who differed from him on the present question, were inconsistent with themselves upon a former occasion; and that too from motives of partiality to those who were now making depredations on our commerce. As to Mr. Jefferson's opinions, they were the opinions of a friend whom he highly respected; but he confessed he could not agree with him in the points alluded to. Mr. P. always differed from him respecting the equipment of a navy, and the giving bounties to the fisheries, as an encouragement to a nursery of seamen. He always thought that his friend's ideas of the necessity of having a navy, were borrowed from British writers, and the example of Britain; but the cases of America and Britain were totally different. America had done well hitherto without a navy—she never could want one more than now, and it was evident to him, if she had at the time we were promised them, the six frigates originally intended, they could not have protected her vessels against British de-

predations; but would most probably have involved her in a war with Britain, and much less could three frigates protect them now against the two nations harraising her commerce. It was the interest of the United States to avoid wars, and the jealousy of maritime powers; to encourage agriculture and domestic manufactures, and to leave commerce to itself; that commercial spirit of enterprize, which it has been said, is peculiar to our fellow-citizens, will make its way into the commercial world without a navy; nay better without it than with it; for one frigate would deprive thirty ships of their sailors, and by its expences oppress commerce. But Britain could not have existed as an independant nation without a navy, it is necessary to the protection of *her* commerce, situated and circumstanced as she is; but it has been well observed, that it cost commerce more than its protection was worth. As to the inconsistency with which those with whom he should vote were charged, he was not sensible of it: for he, in particular, had from the beginning, opposed the building of the frigates; he had objected to them as improper and useless, as a defence against the Algerines; and as to preparations for defence against the nation alluded to; he had declared that he thought none necessary, and that if we had a fleet, when at sea, it would be such an object of our anxious attention, that it would be to certain powers, a pledge for our good behaviour, and the United States would be liable to be wounded in a tender part if destroyed by an enemy or by storm, we should scarcely prevail on Congress to vote appropriations for another fleet; and that in our rivers and bays, proper galleys with large guns in their bows, and heavy cannon and howitzers on travelling carriages on our shores to support them, with the assistance of a well armed militia, whether well trained or not, would be a sufficient protection for the United States; that he had said it would be better for the United States that an enemy's army should get into the centre of our country (because we could get rid of it as we had done) than that the country should be perpetually taxed to guard against a possible invasion, and that he and those now charged with inconsistency, he thought, had relied on commercial retaliation and not on naval equipments in the case alluded to, and therefore were not inconsistent in voting now against preparations for a navy; that being deprived by treaties of the right to make use of commercial retaliations, he was willing to rely on a pacific disposition, and negotiations to adjust differences now existing, that the wished

for a navy, small as it was, if it could possibly have any good effect, could not be equipped before the present war would probably be ended; and possibly all wars be abolished; for, without looking for the Millenium, we may well suppose, that the nations now engaged in war, have had enough of war, and will long, and if possible for ever, avoid wars hereafter. The United States, in his opinion, by cherishing peace, might render themselves amiable in the eyes of the world, and by a proper use of peace, they might become great and powerful; they might even now, without a navy, hope to teach the world, that they must, if they will go to war, in future suffer her vessels to pass free from the depredations of which they now complain. That, for these reasons, he saw no occasion for putting the United States to the expence of purchasing the timber on lands proposed; that he thought with his colleague, (Mr. Heath) that they had better be left to their present proprietors to make the most of them, out of the foreigners, who, we are told, wish to purchase them; that, if every tree would spring up into a full rigged ship of the line (as the member from Maryland had said) he would not wish to purchase the land on which they grew, unless it was to sell the ships. We are told, indeed, that we cannot sell the three frigates, but, said he, I make no doubt but that some of the maritime powers will be willing to buy them; indeed if I were permitted, said he, I could name a certain person who will be willing to purchase them, as fast as we can build them. Indeed I do not think this a proper time to make preparations for a navy. The United States seem already too much an object of the jealous attention of the great maritime powers of Europe; let us not make it their interest to pursue these measures, now so ruinous to our commerce. If France believes what we are told in this book she does, of our partiality to G. Britain (holding up the President's late communications) it will be the interest of that republic to cut off all our hopes of becoming a maritime power, and even if it were true, it must be the interest of Britain to diminish the number of your merchant vessels, and sailors, and to furnish you with arguments for the equipment of a navy. Let us, therefore, not attempt at present to lay even for posterity, the foundation of a navy; let us shew the world that we can be happy without one, and let us shew to the powers who now insult us, that if they desist not from their insults, we can make them repent it, without having recourse to war.

Mr. Nicholas complained of the unfairness of the quotation made by the gentleman from S. Carolina, and said that that book having been written during our struggle with Great Britain, what was there said could scarcely be applicable to our present circumstances. In speaking of the capabilities of the United States to support a fleet, Mr. Jefferson says that Virginia was able to furnish a million of dollars. But, said Mr. N. has not this been raised, and is it not all gone, and more wanted, in a different way. Mr. Jefferson was also of opinion, Mr. N. said, that one million of dollars would build vessels to the amount of 300 guns, but they found, from experience, that that sum would not build 120 guns. These estimates, he said, were vastly dissimilar.

The gentleman from S. Carolina, seemed to think there would be no difficulty in finding money for all the objects he contemplated. Mr. N. said he believed that gentleman knew less of the disposition of the people with respect to paying taxes than he did. He thought the 1,200,000 dollars which must be raised, would be heavily felt by the people. He relied it would be paid; but his reliance was founded more upon the virtue and attachment of the people to their Government, than of the lightness of the burden: in the part of the country from whence he came, he knew this additional tax would be very considerably felt.

Mr. Nicholas said he did not understand the quotation which the gentleman from S. Carolina had given them from a speech; if he had known from whence it came, and heard it distinctly, it might have had its proper weight; but as he did not, he could not be influenced by it.

They had been told by that gentleman, that Denmark, with a revenue of seven millions, had 31 ships of the line; from whence he argued that we might also have that number; but, said Mr. Nicholas that gentleman should have recollected that to support 31 ships of the line, according to the estimations which had been made to them, would, in this country, consume the whole seven millions annually.

Would not this fact alone show the gentleman the great difference of our situation from that of the European powers which he had named? if it would not, he thought he would have turned a deaf ear to conviction.

That gentleman supposed he had lessened the weight of the argument of the gentleman from Pennsylvania (Mr. Gallatin) with respect to the British navy, when he said their independence had been secured by it. He did not see it in

that light. He had said no nation went into a naval establishment for the purpose of protecting commerce; but the gentleman from S. Carolina said their independence required it. This, he said, was the understanding of every one, and acquitted Great Britain of doing a thing for less than it was worth; but the gentleman could not have supported the argument of his friend from Pennsylvania more effectually than by this assertion.

Much had been said, Mr. Nicholas observed, upon what fell from him yesterday, respecting the law having been passed by surprise for building the frigates. He still was of the same opinion, and what had fallen from the gentleman from S. Carolina, he thought, corroborated that opinion, for, he had said, it passed under an impression of danger. Was it begun, he asked, for any of the purposes which had been named in the course of this debate? He believed not, for Algiers had not been mentioned in the course of it. Indeed this convinced him of what he always thought, that protection from the Algerines was a mere pretence to set the building of a fleet on foot,

As an apology for the enormous price which these frigates had cost, they were told they were much larger than 44 gun frigates were generally built. Mr. Nicholas said that time after time, they made strange discoveries. It was somewhat extraordinary, that, after they had ordered 44 gun frigates to be built, the executive should have caused to be built vessels almost equal in size to 74's. This was effectually defeating all their precautions; it was legislating without their consent, and accounted, in some degree for the excessive expenditure. Indeed, he confessed, that he had seen the expences of government, in all cases, go so greatly beyond what was at first calculated, that he was not willing to go into any scheme of which he could make no tolerably correct estimate. He should therefore, be opposed to the present. He had always found that the expence doubled, at least, the estimate, and in future he should reckon upon this as certain; and since they could not check the execution of the laws, it became them to be careful how they made them.

Mr. Nicholas concluded by observing, that the protection and happiness of this country, depended more upon Economy, and a discharge of our public debt, than upon Navies or armies; he should, therefore, be opposed to the latter, and promote the former all in his power,

Mr. W. Smith wished to defend himself from the charge of having drawn unjust inferences from the quotations which he had made from Mr. Jefferson's book. It appeared clearly that it was the opinion of that gentleman that it was necessary this country should have a navy, and that our resources were equal to the support of one. Indeed a gentleman from Virginia on his right (Mr. Page) had confirmed this, by saying, that, on that subject, they had always disagreed. But it was objected against this extract that it was written during the war, and that it was not now applicable; but gentlemen forgot the extract which he had read from a report made by that gentleman some years afterwards [He again read the extract.]

The gentleman from Virginia [Mr. Nicholas] had cast censure upon the executive for having exceeded their authority in making the vessels larger than were intended. The reason they were made of their present size was, because they were intended against Algiers, and if they had been smaller they would not have been equal to the business. If the expence was greater than estimated, it arose from circumstances out of their power, viz. the high price of labour, &c.

But the gentleman complained that Algiers had never been mentioned in the course of the debate. The gentleman must know that there was prudence in that, since it was a subject that could not properly be introduced there. When this subject was formerly under discussion, though many gentlemen mentioned the Algerines as the immediate cause of the frigates, he always looked upon them as the foundation of a navy.

Mr. Findley did not expect that in the discussion of this question, so wide a field would have been taken. With respect to the building of a navy at present, he should certainly be opposed to it; but he was not so determined against a fleet as to put it out of the power of posterity to build one if they should judge it right to do so; but he thought they had not sufficient information on that head. Expences were generally so much more than were estimated, that he wished to know more upon the subject before he appropriated money on the occasion, that he might calculate whether it would be better for us and for posterity to purchase the timber now, reckoning the interest of the money and the expence of taking care of it when purchased, or leave it to be purchased by posterity. He would, therefore, vote for any resolution

which should direct an enquiry to be made on the subject, but not for the present question.

The motion was then put and negatived 55 to 31.

The committee then rose and reported the first resolution, with the amendments, and a disagreement to the other two. The house then took them up. A considerable debate took place (but which was not of sufficient importance to the public to be detailed) on the propriety of coupling the provision respecting a repeal of the law relative to equipping and manning the vessels, with the resolution providing an appropriation for the finishing of them. It was urged that gentlemen who wished to vote for completing the vessels, but not for the repeal of that part of the law which respects the manning of the vessels, could not vote agreeably to their wish, and so as to convey their sentiments to their constituents. It was also objected to as an improper *tack* to be sent to the other branches of government, as it would oblige them either to agree to two things, or to neither.—It was answered that gentlemen might shew their opinion on the occasion by voting for or against the amendment to repeal the law: the impropriety of the *tack* was denied, as it was only upon that condition they would allow money for the frigates to be built, as some gentlemen said they would rather see them burnt than manned.

The first resolution being again read, the first amendment thereto, reported by the committee of the whole house, for striking out the words “ *and equip for sea,*” was, on the question put thereupon, agreed to by the house.

The other amendment to the said first resolution, reported by the committee of the whole house, for adding thereto the following words, “ and that all such parts of the act, entitled “ an act to provide a naval armament,” as relate to the appointing and commissioning of the officers, and manning the ships, in and by the said act directed to be provided, ought to be repealed, except so far as may relate to any officers already appointed under the said act,” was, on the question put thereupon, agreed to by the house.

Yeas 63.

Nays 28.

Those who voted in the affirmative, are

Theodorus Bailey,
 Abraham Baldwin,
 David Bard,
 Thomas Bluont,
 Richard Brent,
 Nathan Bryan,
 Daniel Buck,
 Demsey Burges,
 Samuel J. Cabell,
 Gabriel Christie,
 Thomas Claiborne,
 John Clopton,
 Joshua Coit,
 Isaac Coles,
 Henry Dearborn,
 William Findley,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Albert Gallatin,
 James Gillespie,
 Christopher Greenup,
 Andrew Gregg,
 Roger Griswold,
 Carter B. Harrison,
 John Hathorn,
 Jonathan N. Havens,
 John Heath,
 James Holland,
 Andrew Jackson,
 George Jackson,
 George Leonard,
 Edward Livingston,

Matthew Locke,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 John Milledge,
 Andrew Moore,
 Anthony New,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 John Patten,
 Elifha R. Potter,
 Francis Preston,
 John Reed,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Tompson J. Skinner,
 Jeremiah Smith,
 Nathaniel Smith,
 Israel Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 William Strudwick,
 Zephaniah Swift,
 Philip Van Cortlandt,
 Joseph B. Varnum,
 Abraham Venable,
 Peleg Wadsworth,
 John Williams, and
 Richard Winn,

Those who voted in the negative, are,

Theophilus Bradbury,
 William Cooper,
 William Craik,
 Samuel W. Dana,
 James Davenport,
 George Dent,
 Abiel Foster,
 Dwight Foster,
 Ezekiel Gilbert,
 Nicholas Gilman,

Henry Glen,
 Chauncey Goodrich,
 Robert Goodloe Harper,
 Thomas Hartley,
 William Hindman,
 Samuel Lyman,
 Francis Malbone,
 William Vans Murray,
 Josiah Parker,
 Samuel Sewall,

Samuel Sitgreaves,
Isaac Smith,
Samuel Smith,
William Smith,

George Thatcher,
Richard Thomas,
Mark Thomson, and
John E. Van Allen.

And then the main question being taken, that the house do agree to the said first resolution, amended to read, as follow :

“ *Resolved*, That _____ dollars be appropriated to finish the frigates United States, Constitution, and Constellation; and that all such parts of the act, entitled “ an act to provide a naval armament,” as relate to the appointing and commissioning of the officers, and manning the ships, in and by the said act directed to be provided, ought to be repealed, except so far as may relate to any officers already appointed under the said act.”

It was resolved in the affirmative.

The second resolution, to which the committee of the whole house reported their disagreement, being again read,

The question was taken, that the house do agree with the committee of the whole house, in their disagreement to the same,

And resolved in the affirmative, { Yeas 69.
Nays 21.

Those who voted in the affirmative, are,

Theodorus Bailey,
Abraham Baldwin,
David Bard,
Thomas Blount,
Theophilus Bradbury,
Richard Brent,
Nathan Bryan,
Daniel Buck,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Joshua Coit,
Isaac Coles,
William Cooper,
James Davenport,
Henry Dearborn,

George Ege,
William Findley,
Abiel Foster,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
James Gillespie,
Nicholas Gilman,
Christopher Greenup,
Andrew Gregg,
Roger Griswold,
Carter B. Harrison,
Thomas Hartley,
John Hathorn,
Jonathan N. Havens,
John Heath,
William Hindman,

James Holland,
 Andrew Jackson,
 George Jackson,
 George Leonard,
 Matthew Locke,
 Samuel Lyman,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 John Milledge,
 Andrew Moore,
 Anthony New,
 John Nicholas,
 John Page,
 John Patten,
 Elifha R. Potter,
 Francis Preston,
 John Reed,

John Richards.
 John S. Sherburne,
 Thompson J. Skinner,
 Jeremiah Smith,
 Nathaniel Smith,
 Israel Smith,
 Isaac Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 Zephaniah Swift,
 Philip Van Cortlant,
 William Strudwick,
 Joseph B. Varnum,
 Abraham Venable,
 Peleg Wadsworth,
 John Williams, and
 Richard Winn.

Those who voted in the negative, are,

Demsey Burges,
 William Craik,
 Samuel W. Dana,
 George Dent,
 Dwight Foster,
 Ezekiel Gilbert,
 Henry Glen,
 Chauncey Goodrich,
 Robert Goodloe Harper,
 Edward Livingston,
 Francis Malbone,

William Vans Murray,
 Josiah Parker,
 Samuel Sewall,
 Samuel Sitgreaves,
 Samuel Smith,
 William Smith,
 George Thatcher,
 Richard Thomas,
 Mark Thomson, and
 John E. Van Allen,

The sense of the house was then taken on agreeing to the report of the committee of the whole to reject the last proposition relative to purchasing of timber, or lands stored with it, which was agreed to 62 to 29. The Yeas and Nays being the same as upon the first question; except that Messrs. Burges, Livingston, Milledge and Patten, who voted in the affirmative on the first question, voted in the negative on this; and Messrs. Dana, A. Foster, Gillman and S. Lyman, who voted in the negative on the first question, voted in the affirmative on this, Mr. Rutherford was absent on this question.

The question was at length taken on the motion to strike out the words "*or bills.*" The Yeas and Nays were taken on this question, and passed in the negative.

Yeas 38.

Nays 47.

The resolutions were then referred to Messrs. Parker, Livingston and Harper to prepare a bill or bills accordingly. Adjourned.

Monday February 13th.

Mr. Swanwick presented a memorial from the manufacturers of Soap and Candles in Philadelphia, New-York and Baltimore, praying for the protection of Congress to their manufactures, by a regulation of the drawbacks allowed on foreign articles of this kind exported. Referred to the committee of Commerce and Manufactures.

Mr. Livingston presented a petition from the custom house measurers of New-York, praying for additional compensation. Referred to the same committee.

Mr. Madison presented the petition of James Maury, consul of the United States at Liverpool, (Great Britain;) praying for the re-payment of 126l. 19s. 11d. sterling, which he has paid to distressed American citizens, beyond what had been allowed him by the laws of the United States. Referred to the committee of claims.

Mr. Havens presented a petition of Phillip Wilson formerly merchant of Philadelphia, but now residing in London, Great Britain, praying relief in consideration of a spoliation committed on his property by the British at the close of the war. Laid on the table.

Mr. Dwight Foster made reports on the petitions of Alexander Fowler, and Albert Ruffel. The reports were unfavourable to the petitioners; the former was committed to a committee of the whole to-morrow, and the latter was concurred in by the house.

Mr. Parker reported a bill appropriating money for finishing the frigates United States, Constitution and Constellation;

Also, a bill to repeal so much of a former act as relates to the officering and manning the fleet of the United States.

Both which were twice read, and committed to a committee of the whole to-morrow.

Mr. Havens, from the committee to whom was referred the report of the Directory of the Mint, made a report thereon, directing a sum to be appropriated for the purchase of gold bullion and coin, and a sum to make good deficiencies occasioned by coining bullion put into the Mint of an inferior quality. Referred to a committee of the whole on Monday next.

Mr. Hathorn presented a petition of William Ellison, of New-York, praying remission of forfeiture under the revenue Laws. Referred to the committee of commerce and manufactures.

Mr. Preston presented a petition of Alexander Buchanan, praying authority to locate a warrant for 2000 acres of land, to which he became entitled for services, under a proclamation of the King of Great Britain in 1763, on the unappropriated land of the United States, on the Ohio.

Mr. Sherburne presented one from Lidia Cogswell, widow of S. Wallingford, praying seven years half pay &c. for services of the deceased in the United States navy. Referred to the committee of claims.

Mr. Harper said, that though the house had declined coming to a resolution to authorize the President to purchase certain lands in Georgia, clothed with live oak and red cedar timber, as a reserve for future naval purposes, yet there seemed to be a disposition to cause an enquiry to be made on the subject. He therefore proposed a resolution to the house to the following effect :

“ Resolved that the President of the United States be authorized and requested to cause to be made and reported to this house as early as may be after the meeting of the next session of congress, an inspection of lands furnished with live oak and red cedar timber, with the relative advantages of different situations, with respect to their fitness for naval purposes, and the rates at which purchases may be made.” Ordered to lie on the table.

Mr. Brent proposed a resolution to the following effect, which was also ordered to lie on the table ;

“ Resolved that a committee be appointed to enquire into the expediency of incorporating the commissioners of the city of Washington, and to report by bill or otherwise.

Messrs. Brent, Greenup and Coit were appointed.

On motion of Mr. Madison, the house resolved itself into a committee of the whole on the following report of the committee to whom was referred the memorial of Anna de

Neufville, widow of John de Neufville, deceased. They report

“ That the services and sacrifices from the said John de Neufville, to the United States, during the war of their revolution, as stated in the said memorial, and vouched by the testimonies herewith reported, constitute a reasonable claim, in behalf of his, at present, very distressed widow and children, on the justice of the United States. That it being impossible, from various and peculiar circumstances incident to the services rendered, to ascertain and liquidate the compensation due, into a precise sum, it is necessary for congress to decide on and provide for such allowance as may be deemed equitable and right. That, in the opinion of the committee, the sum of three thousand dollars may be a proper allowance. They therefore propose the following resolution :

“ Resolved that provision ought to be made, by law, for granting to the widow and two children of John de Neufville, the sum of three thousand dollars, to be equally divided among them.”

This report was advocated by Messrs. Harper, W. Smith, Swanwick, Havens, Heath, Thatcher, Varnum and Rutherford. They stated, that the husband of the petitioner, John de Neufville, was an eminent merchant at Amsterdam; that he was an influential character there, and, at an early period of our revolutionary war, entered with great zeal into the interests of America; that, meeting with Mr. William Lee, the commissioner of the United States, he endeavoured to bring about a treaty between the United Netherlands and the United States, which being discovered by the British, that court used its influence with the government of that country, to harass and drive him out of the country; that during his residence at Amsterdam, his house was a constant asylum for American citizens; that he had made large advances in money for the service of the United States, which obliged him to extend his credit beyond what was warranted by the regular course of trade, and a failure in the payment of which (owing to the embarrassed circumstances of the United States at that time) had greatly injured him, and left him to the mercy of his creditors. The consequence was, he was reduced from affluence to poverty at an advanced period of life. Some years ago, he arrived at Boston, with his wife and two children, where he subsisted in a very humble manner upon the bounty of his friends in Holland—those friends having, by the reverses

occasioned by the revolution, been much injured in their property, could afford him but a scanty pittance ; but Mr. de Neuville being dead, the petitioner was deprived of this assistance ; and, to add to her repeated misfortunes, the son of her late husband, from their multiplied sufferings, had been deprived of his reason. Under this pressure of grievances, the petitioner was come from Boston to lay her case before congress, and pray relief. This peculiar distressing case was supported with great zeal and feeling by its advocates, particularly by Mr. Harper, who appeared to be much affected on the occasion.

The claim was opposed by Messrs. Coit, Swift and Nicholas. An application, it seems, was made by Mr. de Neuville, during his life-time, for redress ; upon which the then Secretary of State (Mr. Jefferson) reported. This report, after stating all the facts upon which the claim was founded, gave it as his opinion, that the petitioner had no real claim on the United States. This report, it seems, had never been acted upon. The reading of it, as well as of all the documents relative to this claim, was called for, and were accordingly read. The opposers of this claim, acknowledged the distressed situation of the petitioners, but denied the justice of her claim upon the United States ; the treaty which Mr. de Neuville proposed to enter into with Mr. Lee, they supposed, was a treaty, which he believed would prove beneficial to his country, and not to the United States : that there were many claims in our own country, from persons who had been injured by the war, the justice of which was less equivocal, and the distress at least equal. Mr. Nicholas said, a few days ago only, a poor man, whose health had been so much impaired in the war, that he was unable to earn his living, had applied to him to bring his case before congress, yet, as the pension law affords no relief to any person, except he had been wounded, he was obliged to inform him he could do nothing for him. There were multitudes of such instances, equally distressing with the present, to which no relief could be afforded.

Mr. Thatcher moved to have the three thousand dollars struck out, and five inserted. This was negatived 45 to 37 ; but the resolution was agreed to as reported,

Yeas 63.

Nays 25.

Those who voted in the affirmative, are,

Fisher Ames,
 Abraham Baldwin,
 David Bard,
 Theophilus Bradbury,
 Daniel Buck,
 John Clopton,
 Isaac Coles,
 William Cooper,
 William Craik,
 Henry Dearborn,
 George Ege,
 William Findley,
 Abiel Foster,
 Jesse Franklin,
 Albert Gallatin,
 Ezekiel Gilbert,
 James Gillespie,
 Nicholas Gilman,
 Henry Glen,
 Christopher Greenup,
 Andrew Gregg,
 William B. Grove,
 Robert Goodloe Harper,
 Thomas Hartly,
 Jonathan N. Havens,
 John Heath,
 Thomas Henderson,
 William Hindman,
 Andrew Jackson,
 George Jackson,
 George Leonard,
 Edward Livingston,

Samuel Lyman,
 William Lyman,
 James Madison,
 Francis Malbone,
 Frederick A. Muhlenberg,
 William Vans Murray,
 Anthony New,
 Alexander D. Orr,
 Josiah Parker,
 John Patten,
 John Reed,
 John Richards,
 Robert Rutherford,
 Samuel Sewall,
 John S. Sherburne,
 Samuel Sitgreaves,
 Thompson J. Skinner,
 Israel Smith,
 Isaac Smith,
 Samuel Smith,
 William Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 John Swanwick,
 George Thatcher,
 Richard Thomas,
 Mark Thompson,
 John E. Van Allen,
 Joseph B. Varnum,
 Peleg Wadsworth, and
 Richard Winn.

Those who voted in the negative, are,

Theodorus Bailey,
 Thomas Blount,
 Richard Brent,
 Nathan Bryan,
 Samuel J. Cabell,
 Joshua Coit,
 James Davenport,

George Dent,
 Chauncey Goodrich,
 Roger Griswold,
 Wade Hampton,
 George Hancock,
 John Hathorn,
 James Holland,

Aaron Kitchell,
Matthew Locke,
Samuel Maclay,
Nathaniel Macon,
John Milledge,
John Nicholas,

Elisba R. Potter,
Nathaniel Smith,
William Strudwick,
Zephaniah Swift, and
John Williams.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. Madison, Mr. Parker, Mr. Cooper, Mr. Ege, and Mr. Wadsworth, do prepare and bring in the same.

Mr. W. Smith moved that the galleries might be cleared for the purpose of taking into consideration the resolution which he had the other day laid upon the table. They were accordingly cleared.

Tuesday February 14th.

Mr. Madison reported a bill granting certain sums of money to the widow and children of the late John de Neufville, which was twice read, referred to a committee of the whole, and made the order for this day. The house, on motion of Mr. Harper, resolved itself into a committee of the whole on the subject, Mr. Dent in the chair, when

Mr. Thatcher said, as the widow had been at very considerable expense in the journey to this city to make her claim, and as this expense would wholly fall upon her, it would put her in a worse situation than her children (for the bill proposed 1000 dollars to each.) He moved, therefore, that 1000 should be struck out, and two inserted for the widow.

This amendment was negatived, there being only 23 votes in favour of it. An attempt was made to add 200 to the 1000 for the widow, but it was also unsuccessful.

The committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. Dwight Foster, from the committee of claims, made a report on the petitions of Richard Blackledge and John Brown, which was against the petitioners. The former was ordered to lie on the table, and the latter concurred in.

Mr. Harper proposed a resolution to the house, directing that the committee of the whole, to whom was referred the bills on the subject of direct taxes, should be discharged, in order that they might go to the same committee of the whole to whom was referred the proposition respecting indi-

rect taxes, that both subjects might come under consideration at the same time. This motion was objected to, as it was said the two things were in different stages, the one being in a bill, and the other merely a proposition, and that it would not be proper to embarrass the discussion of the bill, by the proposition alluded to, since the advantages of one or the other mode could be shewn without such a connection. The motion was negatived.

Mr. W. Smith said, it must be acknowledged of great importance, that the large ship timber growing in this country, should be kept out of the hands of foreigners, as, at some future day, we might have occasion for it for our own use. He wished, therefore, to lay a resolution on the table relative to this subject. He proposed one to the following effect:

“Resolved, That provision ought to be made by law for prohibiting, for a limited time, the exportation of ship timber of certain dimensions.” Ordered to lie on the table.

Mr. A. Jackson moved the unfinished business to be postponed, for the purpose of going into a committee of the whole on the report of the select committee, on the petition of Hugh Lawson White, and the report of the secretary of war thereon.

Mr. Coit wished to know what was become of the appropriation bill. He thought it was proper they should go into that.

Mr. W. Smith said he consented to a postponement of that subject, until the information which had been called for from the secretary of state, relative to a certain item, had been obtained, which, without that information, might occasion considerable debate, and which, with it, he trusted, would pass without opposition. He alluded to the 50,000 dollars for the prosecution of the claims for spoliation committed on American vessels by the British.

The house accordingly resolved itself into a committee of the whole on the business of Hugh Lawson White, Mr. Dent in the chair. The report, which was a very long one, was read. The subject will be remembered (as we have before given the report of the secretary of war upon the case) to be relative to the expedition of general Servier into the Cherokee nation in the year 1793. The report, which proposed that provision should be made by law for paying the expense, was agreed to without debate, and was referred to the committee

of ways and means, to be introduced in the appropriations for the expenditure of 1797.

Mr. Livingston moved a postponement of the unfinished business, for the purpose of taking up the bill relative to Canadian and Nova Scotia refugees; but this motion was negatived 35 to 34; and.

Mr. W. Smith moved that the house go into a committee of the whole, on the bill repealing in part the act concerning the duties on spirits distilled within the United States, passed May 8, 1792, and imposing certain duties on the capacity of stills of a particular description. The house resolved itself into a committee of the whole accordingly, Mr. Dent in the chair.

This bill proposes to repeal so much of the present act as allowed stills at any other place than a city, town or village, or at any distillery in a city, town or village, at which there are one or more stills, which singly, if only one, or together, if more than one, were of less capacity than 400 gallons, the option of paying a duty of seven cents a gallon, and to direct, in lieu thereof, certain sums to be paid according to the capacity of stills, and according to the time taken out, from one month to six months.

Mr. Kitchell wished to know the precise meaning of the word *village*; he did not know whether two or three houses lying together were to be considered as a village, or what number of houses were necessary to form one. He objected to the whole of the bill, as, instead of being of service to the revenue, he believed it would be an injury to it. He thought if the duty was laid upon the gallon in every instance, a much larger revenue would be raised than at present; for he believed that many who paid a duty according to the capacity of their stills, did not pay one half of what they would otherwise pay. To lay the tax upon the capacity of the stills might diminish the trouble of collection; but he believed it reduced the revenue. In order to try the principle, he would, therefore, move to strike out the first section of the bill.

Mr. W. Smith said, the gentleman's objection to the word "village" came rather late, as the expression "city, town or village," had been used in all the laws passed upon this subject. He believed the expression was well understood both by the revenue officers and the public, and it was not therefore necessary to go into a definition of it. The secretary of the treasury had given it as his opinion, that so far

from reducing the revenue, it would considerably increase it. The objections against this regulation arose, he believed, from an idea that it would be injurious to small stills; but, he had received information from the supervisor of his district, that instead of being injurious, it would be beneficial to them. Mr. Smith said, he thought the principle of this bill had been agreed to, and was surprised, therefore, that a motion was made to strike out the first section. He hoped the gentleman would consent to let the bill be proceeded with, as it was probable that such amendments might take place, as would render it more acceptable than it might at present appear.

Mr. Dayton (the speaker) hoped that his colleague would withdraw his motion for striking out the first section, that opportunity might be given to amend the bill in such a manner as to afford not only protection, but encouragement to the numerous small distilleries throughout the country. This valuable purpose, Mr. Dayton said, might be attained by the amendments and alterations which he should propose to be made in the second section, as soon as it could be done consistently with their rules of order. If his propositions should not meet the approbation of a majority, it would still be in the power of all those members who united in the wish to preserve the small distilleries, to reject the bill, and in that case he should join them readily in doing so.

Mr. Kitchell withdrew his motion for striking out the first section, and the chairman of the committee of the whole having read the second section,

Mr. Dayton said that he should offer an amendment in that place, which would ascertain with certainty whether the destruction or preservation of the country distilleries was the object, and would be the effect, of the bill. As it stood at that moment, their discouragement and ruin was inevitable; for it deprived them of the option they had heretofore enjoyed, of paying either *upon the capacity* or *by the gallon*, and held out to them no equivalent advantage. So far was it from compensating them for the privation of that privilege, that, on the other hand, he found in the latter part of the same section a provision, which compelled them to commence every licence with the beginning of some calendar month, and thus rendered their situation far more discouraging than it was at that moment. He should therefore, when they came to that part, move to strike out the words following, viz. "And all licences as aforesaid shall com-

mence and bear date from the beginning of some calendar month." But as preparatory thereto, and as a compensation to small distilleries for being deprived of the option, he should first move to insert the words "for and during the term of two weeks," for the purpose of admitting the possessors of such stills to take out a licence for that short term, if they thought proper. It was well known, Mr. Dayton said, that the existing laws did not admit of any licence to be taken out for a shorter term than one month. Distillers, therefore, who had materials to employ them for two weeks only, were compelled to pay for four weeks, or to pay, at their option, seven cents for each gallon distilled. If deprived of this choice, they would have reason for complaint, unless permitted to enter for less time than a month. He was sensible that many advantages would be derived from the abolition of the duty upon the gallon distilled, and not the least, would be the greater facility and certainty in the collection of revenue from this source, the diminution of the number of oaths already too much multiplied, and the exoneration of the people from the most odious part of the provisions, viz. the frequent visits and inspections of the officers of government. Although these benefits were acknowledged, they could fortunately be secured to the public, without injury to the distilleries of fruit, or any other materials. They might even be protected and encouraged, and the revenue from them improved, and he trusted that the amendments he had proposed would establish the fact, that those two objects were perfectly consistent and attainable.

Mr. W. Smith wished a letter which had been received from the secretary of the treasury on the subject, to be read. It was read accordingly.

Mr. Gallatin was in favour of the amendment proposed. The letter, he said, which had been read, was written to him, in answer to some enquiries which he had made on this subject of the secretary of the treasury. The object of this bill, he said, was, in the first place, to secure a due collection of the revenue at less expense than it at present cost; in the second, to prevent an evasion of the duty; and in the third, to remove one of the most important objections to the tax.

It tended to secure a due collection of the revenue at less expense, by taking away those provisions which furnished an apology to collectors for not settling their accounts, or placing them in such a state as to prevent their being settled. Gentle-

men might say the duty was well collected at present, and that the accounts were well settled; they gave this as their opinion; but, when they had proof of the contrary from official facts, those assertions could have little weight. In order to shew the magnitude of the evil, he would refer to the last official statement made to them in December last, which contained the last accounts made by the supervisors. By this statement it would be seen how far the supervisors were able to bring these collectors to account. It would be noticed, that the states of Vermont and New York were the only states whose accounts were settled up to December, 1795; the states of Connecticut and Georgia, were settled up to September 30, 1795; the states of New Hampshire, Massachusetts, Rhode-Island, Delaware, North and South Carolina, were settled to the 30th of June, 1795; the state of Virginia to the 30th June, 1794; the state of New Jersey was only brought up to the 31st of March, 1793; and the state of Pennsylvania had not settled at all. In addition to which, in Kentucky, Tennessee, and the North Western Territory, the tax had not been even mentioned.

This, he said, was the situation of the revenue at present. The supervisors found it impossible to bring the collectors to account. The fault, he said, was in the law itself. Distillers in the country took advantage of the option which was allowed them of paying by the gallon. This was always the pretence, and sometimes the true reason, why the collectors did not make their returns. In a scattered country like America, collectors could not come at the quantity of gallons distilled by every individual; but if the duty was laid by means of a licence on the still, according to its capacity, it would be easy to collect the duty, to have the accounts settled, and for the treasury to check those accounts. No pretence could then be made for not settling the accounts regularly.

The next consideration was, the evasion of the duty. This arose from some individuals, and many, not returning their accounts as they should do; some could not do it; and not a few gave in false accounts. In respect to large distilleries in the country having the option of taking out a licence, and of paying 54 cents per gallon on the capacity of their stills, no one, except they wished to defraud the revenue, would desire to pay by the gallon; and if the amendment was agreed to, the same remark would apply to small distillers; for, it would be found so much easier and advantage-

ous to pay by licence, than by the gallon, that no one, except he intended to defraud the revenue, would choose to pay by the gallon. The present rate of 10 cents per month per gallon would, in some cases, be more than the duty would amount to, if paid by the gallon, as some stills were not employed more than half the time; but the proposed amendment would remove that objection; and though less duty would be paid by some individuals than they heretofore paid, as all evasion would be prevented, the revenue would be increased. It was true, that when they took off one advantage, they must give another; if they gave another, if they gave small distillers the option of taking out a licence for a fortnight, they should give the larger distillers the option of taking out a licence for two, three or four months. It was the opinion of the secretary of the treasury, that the licences for a month should be increased from 10 to 20 cents; but he thought differently. He hoped the amendment of the gentleman from New Jersey would prevail, and then he should afterwards propose to fill up the blanks of licences for a month with 10 cents; for two months with 18; for three months with 24; for four months with 30; for five months with 36; and for six months with 42 cents per gallon. This scale, he said, was on the same ground with that which was proposed by the secretary of the treasury; except that he had changed the two estimates for a month and for a year. They might now be thought too low, and to give too great advantage to small stills. In the opinion of the treasury they did; but if, upon an experiment, it was found to be so, the rates might be augmented hereafter.

Finally, he believed these regulations would remove some of the strongest objections to the law itself. These objections were well known to be the reluctance which men felt to have their houses searched and their conduct watched, when they were in the pursuit of their honest occupations. These objections would be wholly removed. A person would take a licence for any term he chose, and there would be an end of the business. He would neither be obliged to keep an account, nor to make a return; neither would there be any visiting of officers to inspect his conduct in carrying on his business.

Mr. Gallatin said it was of importance to remove these objections; particularly as the law had not extended to the parts he had mentioned, and as it was desirable the laws should operate equally and satisfactorily throughout the

union. He hoped, therefore, the amendment of the gentleman, from New Jersey would be agreed to, and that the bill would pass.

Mr. Nicholas was satisfied an alteration was necessary in the present law to make it tolerable and equal. He had heard from an intelligent collector, that there were distillers who made their spirits double proof, and then turned them over to another person to retail them out, who brought them down to the common standard, by this means paying only one-half the tax. And yet, though this practice was known, it could not be remedied, according to the present law, because the spirits were out of the hands of the distiller.

He was satisfied that no tax should be so laid as to injure the manufactory upon which it fell; and it appeared to him, that the very existence of this law would depend on the acceptance of this amendment. He had indeed thought of a different way of regulating the business, but perhaps the one proposed might be as well. He thought that if a licence should be taken out for a term, and it was not wanted for the whole time, a deduction should be made for the difference. He said he was perfectly satisfied with the general modification; but if the amendment should not prevail, it would operate injuriously upon small distilleries. He, therefore, trusted it would be agreed to.

Mr. Harrison hoped the amendment would obtain. After rainy months, the fruit washed from the trees could not be distilled within a month from which a licence was taken. The bill would go to diminish the revenue; besides, it would be extremely unpopular, which would produce an evasion of the law, and the duties would be less. Indeed, without the addition, it could not be agreed to.

The question was put and carried unanimously.

The blanks were afterwards filled up with the rates Mr. Gallatin had mentioned, and with six cents for licences for two weeks.

Mr. Dayton then moved to strike out the words "And all licences, as aforesaid, shall commence and bear date from the beginning of some calendar month."

The fourth section of the bill having been read,

Mr. Harper thought it would be proper to amend the latter part of the clause, which was as follows:

"And every owner or possessor of any still, who shall not have taken out a licence, for at least _____ months, during the six months preceding the first days of January and July,

in each year, shall be chargeable with, and shall pay a duty equal to that demandable on a licence for six months; unless such owner or possessor shall make oath or affirmation, that no spirits have been distilled in his still, during any time for which a licence has not previously obtained."

By adding, betwixt the words "any still," and "who shall," the words "in a state of preparation for distilling." This alteration, he said, would make the oath proposed unnecessary, and he was very much against multiplying oaths, as they held out strong temptations to dishonesty and perjury.

Mr. Dayton (the speaker) rose to state an objection which presented itself to his mind against the latter part of this section. He might possibly misunderstand the duty therein enjoined, and he hoped if he did, that the committee who reported the bill would explain and set him right. It appeared to him, Mr. Dayton said, to intend and require that the owner or possessor of every still which had been unemployed for six months, should make oath or affirmation that no spirits had been distilled in his still during any time for which a licence had not been previously obtained, or be subject to a considerable penalty. Cases might and would frequently arise, in which it would be highly improper and unjust to impose such an oath. He instanced those in particular where stills should be sold and transferred from one person to another, and perhaps through many hands, whilst they were unemployed and of course unlicensed. How was it possible, Mr. Dayton asked, for the man who has possessed it for a few weeks or few days to take such an oath, especially if, as might happen, the former owners were not even known to him. If no explanation should be given from the committee nor any amendment made, that should be satisfactory, he should think it his duty to move to strike out the whole of the last sentence or clause.

Mr. Kitchell said, he had great objection to the clause as it stood, but he had a greater to the alteration proposed. He also was against multiplying oaths, if any better mode could be pointed out of preventing frauds; but, if the present amendment took place, it would only be necessary to strike off the cap from a still and carry it into the cellar, and then it would not be in a state of preparation for distillery. He wished gentlemen who brought in the bill would consider the matter, and propose some amendment to this clause.

Mr. Isaac Smith thought the matter might be rectified, by obliging the person who sold a still to give notice thereof to the Inspector, with the person to whom he sold it.

Mr. Gallatin said, he understood that part of the section which related to an oath, to apply to the time during which a man was owner and possessor of a still. If a still was transferred, a person would be answerable for the duty only whilst in his possession; but if it was thought the expression was not sufficiently clear, it might be made more so, by adding between the words "in his still" and during," whilst he has been owner of the same."

Mr. Nicholas said it was necessary that some alteration should take place in this clause.

Mr. Dayton said, that being by no means satisfied with any of the explanations or amendments that had been offered, and believing that it would be very improper to retain such a clause, he should, as he had before given notice, move to strike out the following, viz. "and every owner or possessor of any still, who shall not have taken out a licence, for at least six months, during the six months preceeding the first days of January and July, in each year, shall be chargeable with, and shall pay a duty equal to that demandable on a licence for six months; unless such owner or possessor, shall make oath, or affirmation, that no spirits have been distilled in his still, during any time for which a licence had not been previously obtained."

The committee then rose, the amendments were agreed to in the house, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. W. Smith moved for the order of the day on the bill to provide more effectually for the settlement of accounts between the United States and the receivers of public money, and the house accordingly resolved itself into a committee of the whole on that subject, and having gone through the same, the committee rose and reported the bill which was ordered to be engrossed for a third reading to-morrow.

Mr. Sitgreaves, from the joint committee appointed to consider if any, and what measures should be adopted for the further accommodation of the President of the United States, for the term commencing on the 4th of March next, reported a resolution authorising the President to cause to be sold such part of the furniture presented to him on his coming into office as may be decayed and out of repair, and

that 14,000 dollars, together with the proceeds of such sale, be presented to him. The report was twice read and committed to a committee of the whole.

On motion of Mr. W. Smith, the galleries were cleared, in order to resume the secret business of yesterday.

Wednesday, February 15.

A letter was received from the secretary of the treasury, inclosing a report from the secretary of war, requesting an appropriation may be passed to make good the appropriations in the military department, for the year 1796, of 201,312 dollars. Laid on the table.

The bill for repealing in part the act for laying a duty on spirits distilled within the United States, and for imposing in its stead certain duties on the capacity of stills, was read the third time, when

Mr. New called for the Yeas and Nays on the passing of the bill.

Mr. Locke hoped the bill would not pass. He thought it bad policy to change laws, except considerable advantage could be derived from the change. No consequence could arise from the proposed change, he said, except it were to irritate the minds of the people against government. It was said it would increase the revenue; but he believed it would reduce it, as it would render useless many stills. Farmers who had stills for the purpose of distilling their surplus grain, wished to do it at their leisure, as their cattle required it. Some of those, who paid seven cents per gallon, he said, paid double to what was paid by those who paid according to the capacity of their stills, but it was more convenient for them to do so. He was surprised to hear the gentleman from Pennsylvania (Mr. Gallatin) offer it as a reason for altering the method of laying the duty, that the excise officers had delayed to make due returns; that, he said, was owing to the roguery of the officers, and not to any fault in the distillers. He also observed that many parts of the United States were so thinly inhabited, as to make it inconvenient for officers to collect the duty. Admitting that this were the case (though it would only happen in few instances) was it not, he asked, as reasonable, that officers, who were well paid for their service, should rather be put to that trouble than the distillers themselves, which would be the case if they were obliged to take out a licence? That gentleman had also observed, that

no man, as the law now stood, would have chosen to pay by the gallon, but such as designed to defraud the revenue. He knew that this assertion was not true. He himself kept a still for his own family, and had always paid by the gallon; but, if this bill passed, he would not distil at all, and he believed many others would come to the same resolution. He should, therefore, vote against the passing of the bill.

The Yeas and Nays were taken as follow :

Y E A S.

Theodorus Bailey,
Abraham Baldwin,
David Bard,
Theophilus Bradbury,
Gabriel Christie,
Joshua Coit,
William Cooper,
Henry Dearborn,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
Ezekiel Gilbert,
Nicholas Gilman,
Henry Glen,
Chauncey Goodrich,
Christopher Greenup,
Andrew Gregg,
George Hancock,
Robert Goodloe Harper,
Thomas Hartley,
John Hathorn,
Jonathan N. Havens,
John Heath,
William Hindman,
Andrew Jackson,

George Leonard,
Samuel Lyman,
William Lyman,
Francis Malbone,
Frederick A. Muhlenberg,
William Vans Murray,
Alexander D. Orr,
John Patten,
Elisba R. Potter,
John Reed,
Samuel Sewall,
John S. Sherburne,
Samuel Sitgreaves,
Thompson J. Skinner,
Nathaniel Smith,
Isaac Smith,
Samuel Smith,
William Smith,
Richard Sprigg, jun.
Thomas Sprigg,
John Swanwick,
Zephaniah Swift,
Richard Thomas,
John E. Van Allen,
Joseph B. Varnum,
Peleg Wadsworth,
John Williams, and
Richard Winn.

N A Y S.

Thomas Blount,
Nathan Bryan,
Samuel J. Cabell,

Thomas Claiborne,
John Clopton,
Isaac Coles,

William Craik,
Carter B. Harrifon,
Thomas Henderson,
James Holland,
George Jackson,
Matthew Locke,
Andrew Moore,

Anthony New,
John Page,
Josiah Parker,
William Strudwick,
Mark Thompson, and
Abraham Venable.

Ayes 57.

Noes 19.

The following communication was received from the president.

UNITED STATES, *February 15, 1797.*

*Gentlemen of the Senate, and
House of Representatives,*

I LAY before you an official statement of the expenditure to the end of the year 1796, from the sums heretofore granted to defray the contingent charges of the government.

G^o: WASHINGTON,

Account of the application of the grants made by Congress, for the contingent charges of government, from the 1st January to 31st December, 1796.

DR.		Dols.	Cts.
1796.	To the following payments made upon orders of the president of the United States :		
Jan. 26.	Warrant No. 5729, in favor of Timothy Pickering, secretary of state, to be applied to the payment of the accounts of bills presented by Thomas Fitzsimons, chairman of the committee of merchants, for the expenditures in procuring copies of papers from the British admiralty courts, in the West Indies, in cases of the capture of American vessels	-	- 2,500
Feb. 19.	Warrant No. 5798, in favor of ditto, to be applied to the payment of bills		

Carried forward 2,500

DR.

Dols. Cts.

Brought forward

2,500

and accounts, presented by Thomas Fitzsimons, chairman of the committee of merchants, for expenditures in procuring copies of papers from the British admiralty courts, in the West Indies, in cases of the capture of American vessels - - -

2,000

Feb. 25. Warrant No. 5815, in favor of ditto, to enable him to take up a bill of exchange, dated 11th August, 1795, drawn by Fisher and Darrell, of Antigua, on Thomas Fitzsimons, chairman of the committee of merchants of Philadelphia, on account of the expenses attending the copying and authenticating the proceedings of the court of vice admiralty of Antigua, on the property of citizens of the United States, captured and carried there under the orders of the 6th November, 1793 - - -

1,498 84

May 23. Warrant No. 6108, in favor of ditto, to be applied to the payment of a demand for transcripts of proceedings on American vessels in the vice admiralty court of Dominica, and other expenses connected therewith -

1,000

July 6. Warrant No. 6280, in favor of ditto, for the purpose of enabling him to continue the payment of expenses attending the procuring of copies of the proceedings of the British courts of vice admiralty, in the cases of captures by the armed vessels of that nation - - -

2,000

Aug. 3. Warrant No. 6346, in favor of ditto, to defray the contingent charges of government - - -

1,000

Oct. 4. Warrant No. 6548, in favor of ditto, to defray the contingent charges of government - - -

2,000

Carried forward 11,998 84

DR.

Dols. Cts.

	<i>Brought forward</i>	11,998	84
Balance unexpended on the 31st December, 1796	- - - -	15,894	21
		<hr/> 27,893 05 <hr/>	

CR.

By balance unexpended on the 31st day of December, 1795, and subject to the orders of the president of the United States, according to statement of account rendered to that day	-	7,893	05
By appropriation granted per act of the 1st June, 1796	- - - - -	20,000	
		<hr/> 27,893 05 <hr/>	

JOSEPH NOURSE, REGISTER.

TREASURY DEPARTMENT,

Register's Office, Feb. 6, 1797.

A petition of John Brown of Rhode-Island, was presented by Mr. Malbone, praying a drawback on some geneva, and empty bottles, exported in 1791 to the East-Indies, and that the bonds given to secure the duties may be cancelled, on due proof thereof.

Referred to the committee of commerce and manufactures.

A bill for granting a sum of money to the widow of John De Neufville, was read a third time and passed.

A report was read from the committee of claims on the petition of Robert Peeling. Negatived.

A report on the petition of Thomas Frothingam was referred to a committee of the whole, on Monday next.

The bill for providing more effectually for the settlement of accounts between the United States and the Receivers of public monies, was read the third time and passed.

Mr. Harper, from the committee to whom was referred the Resolution from the Senate, proposing to authorize the President to make enquiry of certain States, whether they concurred in the amendment to the Constitution which had been submitted to them, with respect to the suability of States, reported that on 4th March 1789, the United States being then

thirteen in number, twelve amendments were submitted by Congress to the different states, ten of which were ratified in 1789 and 1790 by nine states out of thirteen, which number not being three fourths of the then existing states, those ten amendments did not then become part of the constitution, one state being still wanting. The report went on to state further particulars, and concluded with proposing that as some of the states might have since ratified the whole or a part of those amendments, though such ratification had not been received, to reject the resolution from the Senate, and to adopt one to the following effect:

“ Resolved that the President of the United States be requested to make application, as speedily as may be, to all those states, who, as far as can be known by official documents, have not ratified the said twelve amendments to the constitution which were submitted to them, to learn whether any of them have been ratified, or what proceedings have been had thereon.”

Ordered to be printed.

Mr. Gallatin said they had had an estimate presented to them this morning, requesting a deficiency to be made good in the military department, to the amount of 201,312 dollars. This estimate, he said, was made to them under three items, a fortnight only before the dissolution of Congress. He thought it should have been sent to them sooner, and more in detail. In order to obtain some farther information on the subject, he proposed a resolution to the following effect:

“ Resolved, that the secretary of war be directed to lay before this house, a statement in detail of the item respecting the military service which, in his estimate of the 10th inst. he states at 125,000 dollars, and also a statement in detail of the expenditure and application of money appropriated by law for the military establishment of the year 1796, from whence have resulted the deficiencies by him stated in his estimate, of 44,122 and 32,000 dollars.”

Mr. W. Smith wished to know whether he meant to decline appropriating money for the military establishment, until he received this information.

Mr. Gallatin said, he had no objection against voting for the appropriations for the military establishment for the year 1797; whether he received the details called for, or not; but he would not vote for the deficiency stated, until the details were received. He did not think he should be justified in voting for this estimated deficiency, until he knew how it had

been expended—until he knew how far he was bound to do it. It had no connection whatever with the appropriation for the year 1797.

The speaker said he received this communication on Saturday whilst in a committee of the whole, and thought he had given it to the clerk to be read, but found it upon his table this morning, so that the delay since Saturday, was owing to him.

The resolution was agreed to.

Mr. Swanwick moved that the committee of commerce and manufactures be discharged from the consideration of the petition of the measurers of New-York, that it may be referred to the committee of the whole to whom was referred the bill relative to the compensations and duties of certain officers employed in the collection of impost and tonnage. Agreed.

Mr. Swanwick wished the House to go into a committee of the whole on the above bill; and after some observations on the propriety of taking up this subject in preference to the secret unfinished business of yesterday, the House resolved itself into a committee of the whole on that bill, Mr. Muhlenberg in the chair. The bill, having been read, and the first section being under consideration, which allows to the collectors of the district of Pennsylvania and New-York one quarter per cent. to those of Boston, Charleston, and Baltimore one half per cent, and to other ports in proportion.

Mr. Dearborne said, the compensations arising to the collectors in some of the principle ports, was beyond measure exorbitant, he believed, after all deductions were made, they amounted from 8 to 10,000 dollars. He could see no good reason why the salaries of these officers should not be fixed by law. At present, though their duties were certainly not so important, they received two or three time as much as heads of departments, considerable more than even the Vice-President of the United States. When they had determined not to increase the salaries of the principal officers in the Government, even during the present high price of living, he thought they ought not to allow such extravagant compensations to their collectors.

Mr. Thatcher thought they were legislating in the dark. Before they entered upon the business, he wished to have seen a return of the real amount of duties collected during the last year, in order to give time for the obtaining of this information, he wished the committee to rise.

Mr. Varnum was of the same opinion. He said accounts had been received from all the ports except New-York, and that they might be soon expected.

Mr. Swanwick said, there had been a return for 1795, which the committee had judged as proper a guide as that for 1796 would be. It was the intention of the committee to reduce the compensation of the officers in the large ports, whom they believed received too much, and to increase those in the small ports, whom they were convinced received too little.

Mr. S. Smith also said, 1795 would be better foundation for them to estimate upon than 1796, as it might be supposed that the importations in 1797, owing to the obstructions which commerce was likely to meet with, would be much less than in 1795. If the committee were to rise, he believed the law would not get passed, and the old law would continue, which would be a loss to government of 15 or 20,000 dollars.

Mr. Williams wished to wait for the returns of 1796.

Mr. Coit said it would be necessary to regulate these salaries every two or three years, as trade was continually fluctuating.

Mr. Craik was against the committee's rising, as it would probably put an end to the business for this session, and he thought it was very desirable that the large salaries should be reduced, and the small ones advanced.

Mr. Parker was for proceeding with the business. It was well known some of the compensations were too high, and others too low. He mentioned amongst the latter the small port of Tappahannoc, the collector of which by the return in 1795, was 68 dollars in debt.

Mr. Dearborn said, as it was only two years since this business was arranged, he did not think there was much necessity for going into it now; and though some of the compensations were low, he did not believe any of those who held the offices could be induced to give them up; and if they were, there would be 20 persons ready for them. If it were not, therefore, for taking off something from what he considered as enormous sums from the officers in the large ports, he should be willing to let the business lie over this session. He could wish a resolution to the following effect to be agreed to for this purpose, in preference to the mode proposed by the bill:

“Resolved that from and after the present year, the collectors of Philadelphia, New-York, Baltimore, Boston and

Charleston, be allowed Dolls. per annum, in place of their present compensation."

Mr. New hoped the committee would not rise. His colleague (Mr. Parker) had mentioned the case of an officer in Virginia, at Tappahannoc, with which he was somewhat acquainted. In the year 1795, he was brought in upwards of 60 dollars in debt. The return from that officer for the last year was for disbursements 569 dollars 90 cents, and receipts 355 dollars. He doubted therefore whether, when this gentleman gave up his situation, if there would be 20 persons ready for it.

The question for the committee's rising was put, and negatived.

The consideration of the first section was entered upon, and upon an enquiry what was the compensation of the large ports under the present law,

Mr. Coit said that New-York and Philadelphia had before three eighths of one per cent and Boston, Baltimore and Charleston five eighths of one per cent.

After a number of observations from different members, this, and the other clauses of the bill, were agreed to, with some small amendments.

After which, Mr. Dayton (the speaker) moved an additional section, appointing a surveyor for New-Brunswick, in Jersey, to reside there, which was agreed to. And,

Mr. Sewall moved also an additional section, providing that Marblehead, should be a port at which vessels arriving from beyond the cape of Good Hope may enter and unlade, which was agreed to.

The committee rose and reported the bill.

Adjourned.

IN SENATE OF THE UNITED STATES.

February 15, 1797.

On request, the Vice-President of the United States, being excused from further attendance in Senate during the session, addressed them as follows :

Gentlemen of the Senate,

If, in the general apprehension of an intention to retire in that most eminent citizen, to whom all eyes had been directed and all hearts attracted, as the centre of our union for so long a period ; the public opinion had exhibited any clear indications of another, in whom our fellow-citizens could have generally united ; as soon as I read that excellent address which announced the necessity of deliberation in the

choice of a President, I should have imitated the example of a character, with whom I had co-operated, though in less conspicuous and important stations, and maintained an uninterrupted friendship for two and twenty years. But as a number of characters appeared to stand in the general estimation, so nearly on a level, as to render it difficult to conjecture on which the majority would fall; considering the relation in which I stood to the people of America, I thought it most respectful to them, and most conducive to the tranquillity of the public mind to resign myself with others, a silent spectator of the general deliberation and a passive subject of public discussions.

Deeply penetrated with gratitude to my countrymen in general, for their long continued kindness to me, and for that steady and affecting confidence, with which those who have most intimately known me from early life, have on so many great occasions entrusted to me the care of their dearest interests; since a majority of their electors, though a very small one, have declared in my favour, and since, in a republican government, the majority though ever so small must of necessity decide, I have determined at every hazard of a high but just responsibility, though with much anxiety and diffidence, once more to engage in their service.—Their confidence which has been the chief consolation of my life, is too precious and sacred a deposit ever to be considered lightly. As it has been founded only on the qualities of the heart, never has been, it never can be, deceived, betrayed, or forfeited by me.

It is with reluctance, and with all those emotions of gratitude and affection which a long experience of your goodness ought to inspire, that I now retire from my seat in this House, and take my leave of the members of the Senate.

I ought not to declare, for the last time, your adjournment, before I have presented to every Senator present, and to every citizen who has ever been a Senator of the United States, my thanks, for the candour and favour invariably received from them all. It is a recollection of which nothing can ever deprive me, and it will be a source of comfort to me, through the remainder of my life, that as on the one hand, in a government constituted like ours, I have for eight years held the second situation under the constitution of the United States, in perfect and uninterrupted harmony with the first, without envy in one, or jealousy in the other; so on the other hand, I have never had the smallest misunderstanding

with any member of the Senate. In all the abstruse questions, difficult conjunctures, dangerous emergencies, and animated debates upon the great interests of our country, which have so often and so deeply impressed all our minds, and interested the strongest feelings of the heart, I have experienced a uniform politeness and respect from every quarter of the house. When questions of no less importance than difficulty, have produced a difference of sentiment (and differences of opinion will always be found in free assemblies of men, and probably on the greatest questions) when the Senators have been equally divided, and my opinion has been demanded according to the constitution, I have constantly found, in that moiety of the Senators from whose judgment I have been obliged to dissent, a disposition to allow me the same freedom of deliberation and independence of judgment which they asserted for themselves.

Within these walls, for a course of years, I have been an admiring witness of a succession of information, eloquence, patriotism and independence, which, as they would have done honor to any Senate in any age, afford a consolatory hope (if the legislatures of the States are equally careful in their future selections, which there is no reason to distrust) that no council more permanent than this as a branch of the legislature will be necessary to defend the rights, liberties and properties of the people, and to protect the constitution of the United States as well as the constitutions and rights of the individual states, against errors of judgment, irregularities of the passions, or other encroachments of human infirmity or more reprehensible enterprize, in the executive on the one hand or the more immediate representatives of the people on the other.

These considerations will all conspire to animate me in my future course, with a confident reliance, that as far as my conduct shall be uniformly measured by the constitution of the United States, and faithfully directed to the public good, I shall be supported by the Senate as well as by the House of Representatives and the people at large; and on no other conditions ought any support at all to be expected or desired.

With cordial wishes for your honour, health and happiness, and fervent prayers for a continuation of the virtues, liberties, prosperity and peace of our beloved country, I avail myself of your leave of absence for the remainder of the session.

To which the Senate returned the following answer.

SIR,

THE Senate of the United States would be unjust to their own feelings, and deficient in the performance of a duty their relation to the government of their country imposes, should they fail to express their regard for your person, and their respect for your character, in answer to the address you presented to them, on your leaving a station which you have so long and so honourably filled as their President.

The motives you have been pleased to disclose which induced you not to withdraw from the public service, at a time when your experience, talents and virtues were peculiarly desirable, are as honourable for yourself, as from our confidence in you, sir, we trust the result will be beneficial to our beloved country.

When you retired from your dignified seat in this house, and took your leave of the members of the Senate, we felt all those emotions of gratitude and affection, which our knowledge and experience of your abilities and undeviating impartiality ought to inspire; and we should with painful reluctance endure the separation, but for the consoling reflection, that the same qualities which have rendered you useful, as the President of this branch of the Legislature, will enable you to be still more so, in the exalted station to which you have been called.

From you, sir, in whom your country have for a long period, placed a steady confidence, which have never been betrayed or forfeited, and to whom they have, on so many occasions entrusted the care of their dearest interests, which have never been abused.—From you, who holding the second situation under the constitution of the United States, have lived in uninterrupted harmony with him who has held the first.—From you we receive with much satisfaction the declaration which you are pleased to make of the opinion you entertain of the character of the present senators, and of that of those citizens who have been heretofore senators. This declaration, were other motives wanting, would afford them an incentive to a virtuous perseverance, in that line of conduct which has been honoured with your approbation.

In your future course, we entertain no doubt, that your official conduct, will be measured by the constitution, and directed to the public good, you have therefore a right to entertain a confident reliance, that you will be supported,

as well by the people at large as by their constituted authorities.

We cordially reciprocate the wishes which you express for our honour, health and happiness, we join with yours, our fervent prayers for the continuation of the virtues and liberties of our fellow citizens; for the public prosperity and peace; and for you we implore the best reward of virtuous deeds, the grateful approbation of your constituents, and the smiles of heaven.

The Vice-President replied as follows.

An address so respectful and affectionate as this from gentlemen of such experience and established character in public affairs, high stations in the government of their country, and great consideration in their several states, as the Senators of the United States, will do me great honor, and afford me a firm support, wherever it shall be known, both at home and abroad. Their generous approbation of my conduct in general, and liberal testimony to the undeviating impartiality of it, in my peculiar relation to their body, a character, which in every scene and employment of life I should wish above all others to cultivate and merit; has a tendency to soften asperities and conciliate animosities, wherever such may unhappily exist; an effect at all times to be desired, and in the present situation of our country, ardently to be promoted by all good citizens.

I pray the Senate to accept my sincere thanks.

JOHN ADAMS.

Thursday, February 16.

A report was received from the Secretary of the Treasury, in conformity to the resolution of the 9th and 10th instant, with statements of the expenditure of money appropriated for defraying the expences attending our Foreign Interchange, and of the money applied for the purpose of prosecuting the claims of our Merchants for redress for the spoliations committed upon their property by belligerent powers, in which report it was stated that there was a deficiency in the accounts of Mr. Randolph, the late Secretary. Referred to the committee of the whole to whom was referred the Appropriation Bill.

Mr. Gallatin also moved that the statement of deficiencies in the Contingent Expences received yesterday should be referred to the same committee. Agreed.

Mr. Harper moved that the report which he yesterday made, on the subject of proposed amendments to the Consti-

tution, should be recommitted, on account of an error which had escaped the committee with respect to the time of the admission of Kentucky into the Union. Agreed.

The Speaker presented a petition from Judge Turner of the North-western Territory, wishing that the charges which had been exhibited against him should be brought to a hearing, as he had come up to the seat of Government with a view of defending himself. Ordered to lie upon the table.

Mr. Dwight Foster, from the committee of Claims, made reports on the petitions of Lydia Cogswell and James Warrington, which were against the petitioners. The former was concurred in, and the latter committed to a committee of the whole on Monday next.

Mr. Swanwick presented the petition of Edward Rowe, mate on board the brig Sophia, employed to carry the money paid to the Dey of Algiers, who was wounded by trying a blunderbuss on board the said vessel; one from Thomas Cox, and another from Joseph Goss, soldiers in the late war, all praying for relief. Referred to the committee of Claims.

Mr. Swanwick also presented the petition of sundry retail Venders of Wines and Spirits in the city and county of Philadelphia, who, having taken out a State licence, had neglected (as they state) through ignorance to take out licences under the authority of the United States, and had been prosecuted therefor, praying for the interference of Congress in their behalf. Referred to a Select Committee Messrs. Nicholson, Sitgreaves and Gilbert.

Mr. Dearborn moved that the House should take up the unfinished business of yesterday.

Mr. Coit said, he had been told by the Comptroller of the Treasury, that the return of the amount of imposts collected for the year 1796, would be made to the House this day; he therefore hoped this business would be postponed for the purpose of taking up the resolution of the Senate, in respect to the balance due from certain States to the United States. Agreed.

The House accordingly went into this business, and having read the resolution, which proposes, instead of calling upon the several Debtor States for the whole amount reported by the Commissioners to be due, to call upon them only for the sum which they had assumed over and above what proved to be their real demand against the United States, which of course went wholly to excuse some of the Debtor States.

Mr. Williams observed, that when this subject was before the House it was fully discussed, and it would only be taking up time unnecessarily to enter on the subject again. As he heard nothing to change his former opinion, he continued to think the debt, so far as it respected the State of New-York, was unfounded; it therefore mattered not to him whether the amendment proposed by the Senate was agreed to or not. Although by the amendment, only a part (said to be due) was called for, yet the Debtor States were not by that amendment exonerated from paying the whole; and therefore were the Debtor States to make provision agreeably to the amendment proposed by the Senate, they might be afterwards called on for the remainder, as, by paying a part, they would tacitly acknowledge the whole to be just.

The motion was negatived, and the House resolved to insist upon the resolution as it stood originally.

Mr. Heath proposed to take up the case of Alexander Fowler.

Mr. Henderson wished the subject of Indirect Taxes to be entered upon.

Mr. Gallatin said, a report had been made upon the contract betwixt John C. Symmes and his associates, and the United States, which it was of importance to pass into a law this session, as the object was 400,000 acres of land, which was worth about 800,000 dollars.

The House accordingly resolved itself into a Committee of the whole on the subject, Mr. Muhlenberg in the chair, when the report, which was very long, having been read, the Committee agreed to the resolution reported, which was the following words:

“ Resolved that a Committee be appointed to bring in a bill to authorize the President of the United States, to grant in fee simple to John C. Symmes and his associates, that part of a tract of land, the boundaries whereof are ascertained by a survey executed in conformity to the Act of Congress, entitled “ An act for ascertaining the bounds of a tract of Land purchased by J. C. Symmes,” and returned to the Treasury Department the 10th of Jan. 1794, which is not included within the bounds of a grant already made on Sept. 8th, 1794, the said J. C. Symmes, and his associates excepting and reserving out of the same, the lots reserved by the original contract entered into between the United States and the said Symmes and his associates, provided that the said J. C. Symmes and his associates shall previously, in conformity to the terms of

the original contract, make the requisite payment for the tract to be granted to them, and for the 47,625 acres, part of the grant already made to them on the 30th Sept. 1794, for which they have not yet paid any consideration, and provided also that the township reserved for an academy shall have been previously laid off and secured, according to the terms of the contract, and of the resolutions and law of Congress relative thereto."

A Committee of five was appointed. Messrs. Gallatin, Venable, Havens, Ames and Sherburne.

A message was received from the Senate, informing the House, that they had made choice of the Hon. William Bingham, as their President *pro tem*.

The House then resolved itself into a committee of the whole on the subject of indirect taxes, Mr. Dent in the chair when the report of the committee of ways and means, the letter of the Secretary of the Treasury, and the resolutions of the gentleman from New-Jersey, (Mr. Henderson) and those from the gentleman from S. Carolina, Mr. Harper, having been read,

Mr. Harper said, that having on a former occasion, gone pretty much at length into observations to prove the superiority of indirect taxes to a land tax for this country, he should not now repeat them, but confine himself to the other branch of the subject.

On the occasion alluded to, he had gone into a calculation of the present amount of the duties arising from the several articles upon which he had proposed an advance, and compared that amount with preceding years, in order to shew that the revenue upon them was in an increasing state, and that they would of course bear a small advance. As these observations depended on a statement of figures, which might not be well remembered, he would take the liberty of recapitulating them, and then proceed with some observations in favour of indirect taxes. [Mr. H. here went over his estimates with respect to the present amount of duties on the several articles, the duty upon which he meant to advance, and the probable addition which would be likely to arise from the proposed additions, * in the course of which he was reminded of the question by Mr. S. Smith and Mr. Holland, but desired to proceed by the Chairman.]

Mr. H. having gone through his statement, said, in order to put our revenue in some degree, beyond the reach of foreign powers to disturb it it was necessary to connect the two systems

* See page 25, Vol. II.

of indirect and direct taxes together ; and the more he saw the more he was impressed with the propriety of this. So much so, that if the house should not think proper to adopt a window or stamp tax, if no member proposed an effectual substitute for them, he should think it necessary to adopt a land tax, even if all the indirect taxes were agreed to which he had offered. He thought the money would be better raised by a stamp and window tax ; but should the house not be of this opinion, he should vote for a land tax, because he thought it of unspeakable importance to have some effectual revenue which should be out of the reach of any foreign power.

With respect to the window tax, it had been objected to as a very odious and a very impolitic tax ; that it had been very unpopular wherever it had been introduced, and that, in all probability it would be alike objectionable in this country. He thought differently. In England it might have been so, because any new tax where the people were so heavily burdened as in England, would prove unpopular. He was of opinion that the tax might be so laid as to become a very equal and acceptable tax.

The objects to be aimed at in taxation, he said, were that a tax should fall equally, and be easy of collection. Where these two properties were combined, the tax must be a good one. He believed that a tax on windows would answer this description ; as there was generally a proportion between a man's expences and the number of windows in his house ; and by graduating the tax, it would fall equally on the community at large. A tax, he said, should not fall upon a man in proportion to his capital, but according to his expences. A man might possess a great capital, and yet not possess equal means with the man of a small capital. A man for instance, might possess a great capital in land ; but it might be in such a situation as not to be saleable, or too far removed from market to be profitable. This kind of property, he said, did not enable a man to pay taxes ; but, if a man's expences were considered, his ability to pay taxes would be discovered. There might be some exceptions : indeed, some men would spend more from vanity, and some less from avarice, than they ought, but he believed the rule would hold good in general. But, if a tax was laid *ad valorem*, there was great difficulty in ascertaining the just value of property ; whereas to enumerate the windows of a house, would be done with little trouble and expence, and without any intrusion into a

man's house, which was an objection to an hearth tax, as it required such visits as would be disagreeable to the citizens of a free country. A window tax would have this farther advantage, if laid at first for 250,000 dollars, it might afterwards be made to produce as much as the people were able to pay, without additional expence. He, therefore, preferred a window tax to a land tax, because more easily laid; and to an hearth tax, because it might be imposed without dimiciliary visits.

Various objections, he said, had been made to a stamp tax. In the first place, it was said to be a very odious tax; but, our dislike to a stamp tax arose, not because the tax was really objectionable, but because it had been attempted to be laid upon us by a foreign power, which had not the right to lay it. Any other tax which that power might have attempted to impose upon us, would have proved equally odious; but, he said, the American people had sense enough to distinguish between a tax laid by their own government, and the same tax forced upon them by a foreign power. Another objection to this tax was, that it would require certain regulations to be made in the courts of the different states in the union; as it would be necessary to enact that no paper should be admitted as evidence which was not duly stamped. It might be asked, what power they had to do this? He said there could be no doubt that they had the power, as the state courts and judges were equally bound by the laws of Congress, with the courts and judges of the United States, and there could be no doubt that the law would be cheerfully complied with. With respect to another objection, it required a good deal of consideration; but he doubted not it might be provided against by certain modifications in a bill, if the tax should be agreed to. It was this. That persons in remote parts of the country, unused to make their contracts in a formal way, but who applied to their neighbours to do it, and who did it in a clumsy and imperfect manner. To say that all these papers should be subject to a stamp duty, would lay such persons under the necessity of applying to an attorney, to furnish them with stamps and to do the business for them. This, he acknowledged, would be embarrassing persons so situated, without greatly benefiting the revenue; but it would be possible to make provisions to exclude contracts of a certain description, so as to prevent this inconvenience.

Mr. H. hoped, therefore, that these two modes of revenue would be agreed to, which, together with the augmentations he had proposed to the imposts, would furnish a sufficiency of revenue for every purpose of government. If the house, however, should think a land tax preferable, he should submit.

In conclusion of these remarks, he would add, what induced him to be less decided in favour of indirect sources than heretofore. At the end of four years, another augmentation of revenue will be necessary, either by indirect or direct taxes. He was doubtful, therefore, whether it would not be better at present to have recourse to direct taxes, and leave the imposts for our future support. At that time, he said, after four years further experience, they should be better able to judge of what our commerce would afford, than at present, and he trusted, we should be relieved at that time from any anxiety with respect to our foreign relations.

Another consideration, they knew, though imposts were eventually paid by the people, yet merchants were obliged to pay the duties in the first instance. He knew the credit given to them in some cases was so liberal, as to give them time to receive the duties before they were called upon to pay them : in such instances, the merchant was only a security to government ; but, though this was the case in some degree, it was not wholly so, and where it was not so, the merchant was the lender of the money to government. Now there might be situations, he said, in which merchants would not be able to do this. If, for instance, any part of the capital of our merchants be kept from them in foreign countries ; or if, by any sudden fall in the price of produce, they have experienced heavy losses, and were otherwise pressed in their concerns, it might not be prudent to call upon them for an addition to the present duties. It was for them to determine how far our merchants were at present in this situation. He believed the amount of their property, at this time, in the hands of foreign powers, was not less than twelve millions of dollars !

These considerations, he said, had had great weight with him in making him less confident in resources from indirect means. He supposed they would also have some weight with the house. He finished by saying, that he trusted the committee would pardon him for the time he had occupied, though he perceived the patience of some individuals had long been exhausted.

Mr. Swanwick said considerable embarrassment arose from the manner in which this subject had been introduced. They had directed the committee of ways and means to report such articles of impost as would bear an additional duty. They had made a report of three, viz. brown sugar, bohea tea, and unstained cotton goods. Besides these gentlemen had introduced a long string of other articles. The consequence, he said, had been, that the gentleman just sat down had not confined himself to any one article, but had extended his view to the whole, and had afterwards taken in his proposition for a tax on windows and stamps, and finished with a sort of preference for direct taxes.

Mr. S. said, he thought he saw an unwillingness in the committee that so wide a field should be taken; he should therefore, confine his observations to the first resolution before them, viz. brown sugar, any advance of the duty upon which, he should certainly oppose, for the following reasons:

In the first place, he considered all taxes upon articles of consumption, as operating unequally; for, in spite of all that had been said about the duties falling upon the consumer, they fell very unequally upon different classes; since a poor man, in many instances, paid as much as a rich man; whereas, it was his opinion, that all taxes should fall upon men according to their ability to pay them—according to their real possessions; but, he said, in this case, a niggardly man pays too little, and a liberal man too much. But, Mr. S. said there was another objection to the proposed additional duty on brown sugar; it was a necessary of life very generally used by the poor, the duty would, therefore, fall chiefly upon a class of the community least able to bear it. Tea, sweetened with brown sugar, he believed, was as general and as economical a breakfast as could be taken by the poor in large cities, since milk could only be had at a high price, whilst the farmer could do very well with a much smaller portion of sugar. Would it, then, be fair, or consonant with the principles of a republican government, he asked, thus to burden the poor of the community? He thought not.

But, it might be said, the poor man might add this additional duty paid on sugar to his labour; but this would be increasing an evil already too great, and from which cause the manufactures and agriculture of this country, at present, languished, and which would effectually destroy all the former, if farther encreased.

Nor was it by any means certain, Mr. S. said, that this encrease of duty would produce an encrease of revenue. Much less, he said, from the difficulties which were thrown in the way of our commerce, was at present imported, than heretofore; therefore, it would not follow, that because this article now produced 300,000 dollars, that by laying 50 per cent. upon it, it would produce half as much more; for, as Dean Swift had justly said, two and two does not always make four in custom-house calculations. If it were so, nothing would be more easy than for a Financier to calculate the certainty of revenue. The mines of Potosi, nor any other, would be equal to such means of raising money; but he believed the duties on imposts had gone as far as they could reasonably be carried.

He was not convinced that an additional duty upon brown sugar, would not do an essential injury to the manufactory of refined sugar. They had seen, by a report which had been made the other day on the petition of a manufacturer of chocolate, that the article of cocoa produced more duty when it only paid two cents than now it paid four. The reason was obvious, when at two cents, the manufacture of chocolate was considerable, but since it was four, that manufacture had been considerably injured. And how, he asked, would an additional duty on brown sugar operate in this respect? Would it not cause a greater export of the raw sugar, and consequently a greater drawback to be paid, and discourage the manufacture of fine sugar? It certainly would have that effect. Whoever would look into the last report on this subject, would find that thirty-four millions lbs. weight of raw sugar had been exported in the course of one year. An additional duty would have a tendency also to diminish the consumption by making the laborious poor substitute molasses in its stead.

As he had before stated, he should confine his observations at present on brown sugar: but when the other articles came under consideration, he should have some remarks to offer upon them.

Mr. Gallatin conceived the whole subject of indirect taxes to be before them, though the first resolution respecting brown sugar, might be first in order.

Mr. G. said, he did not mean to follow the gentleman from South-Carolina through the whole of his observations, with respect to the present or past produce of the duty upon this or that article, and infer from thence what an additional

sum laid upon it would produce. That gentleman had twice already given them, in substance the same account ; it was unnecessary, therefore, to go over that ground again ; yet, as he had given them a caution, which he ought himself rather to have observed, he would make an observation or two upon his statement.

Mr. G. here took notice of what he conceived to be errors ; at the same time that he acknowledged the gentleman deserved credit for the efforts he had made to become acquainted with the subject ; that it was an extremely difficult one to come at accurateness upon, and that the only conclusion he could draw was, that there were some articles, the duty upon which might be increased, but to what amount could not be said.

Mr. G. said, he would fully agree with the gentleman that two of the articles which he had enumerated, might produce additional revenue from an increase of duty, viz. salt and sugar ; but not in the proportion of the duty laid : to ascertain the amount, would require a different calculation from any which had been made.

When he rose, he said, he meant only to make a few observations, and to follow them with a motion for the committee to rise, with a view of having it discharged from a further consideration of the subject. He meant to shew that it was not necessary to increase the revenue by means of indirect taxes, at the same time, he would say, that he had no expectation that the bill for laying a direct tax would pass this year. And he would go farther, and say that he would not vote at all for the present bill as it now stood.

He said he would shew that it was not necessary to raise any additional revenue for the present year. He had always said that the increase was wanted for 1801. The reason which seemed to induce the gentleman from South-Carolina to be in favour of direct taxes, was, that if revenue was now raised, there would be wanted a farther advance in the year 1801. The truth was, that the revenue now wanted was for that year. If the fact were denied, he could call upon any gentleman to prove that the revenue of the present year will not be sufficient to meet the expenditure. They had received no estimate to this effect ; nor had any hint been given from the treasury of this kind.

Mr. G. said he would mention the datas upon which he grounded his opinion. If he should be mistaken in any particular, he hoped he should be put right.

He found that during the present year, we had to pay an annuity on the foreign Dutch debt, which with the interest would amount, he believed, though he could not state precisely as he had not papers before him, to about three millions nine hundred thousand dollars. Now, said he, we have to add to this, the current expences of the year, the total amount of which would be found, by the estimate, to be 2,130,852, to which must be placed the 40,000 dollars annually appropriated for foreign intercourse not included in this estimate. These three items made about 6,100,000 dollars. Deduct from this sum a saving in the naval and military establishments of at least 200,000; but, having yesterday received an estimate in the deficiency of contingent expences of 200,000 dollars, he supposed, that one of these items would balance the other. If there were added to this sum 300,000 dollars as an extraordinary sum for defraying the expence of intercourse with foreign nations, this would make a total of expence of about 6,400,000 dollars. In this estimate, it was true, that no provision was made for paying any instalment of debt. It went upon the supposition that the money now due would continue to be due. The debts owing were the foreign debt due to Holland, and the debt due to the banks; for the payment of the last of which they had last year provided, by empowering the commissioners of the sinking fund to borrow money at 6 per cent. and to sell our shares in Bank Stock. The Bank Stock had not been wholly sold, and therefore if it were necessary to make any additional payment to the bank, it might be made from that source; for, however great the wants of the bank might have been, they had not thought proper to have more of the bank shares sold, than to the amount of 1,200,000 dollars.

There was no other provisions to be made but for the payment for the instalments of the foreign debt, as they became due; and until the year 1801, these were from 160,000 to 400,000 dollars a year. Supposing it to be the latter sum for this year, this would make the whole expence 6,800,000 dollars.

With respect to the revenue, whatever doubts might be entertained as to future imposts, there could be none as to what would become due this year, as these arose from the year 1796. The amount of revenue for 1796 commencing with October 1795, to the same month in 1796, was upwards of 6,800,000 dollars, viz.

For duties on imposts and tonnage,	6,135,000
Internal revenue, - - -	469,000
Postage, - - -	58,000
Interest on Bank Stock, [deducting 10,000 dollars on account of what had been sold]	150,000
	<hr/> 6,802,000

This, Mr. G. said, was the amount of the revenue for the year 1796, and receivable in 1797, from which it appeared that the revenue of 1797 would be at least equal to the expences of that year. The only question was, would the revenue of 1797 be equal to that of 1796. They all knew there had been a great increase of importations. Besides, he said, some parts of the internal revenues would be more productive than heretofore, from regulations which had taken place in them. He mentioned wine licenses, auctions and carriages. More than 150,000 dollars additional would be received from these sources; so that if the imposts fell short so much, the revenue would remain the same as at present.

If this statement were true, this conclusion arose, viz. that no additional revenue was wanted for the present expences of government this session. Whatever additional revenue was wanted, was wanted with a view to the demands of 1801, and the payment of the public debt. If then, there was no immediate necessity for additional revenue, he thought it would be best not to do any thing more this session than to endeavour to mature a permanent plan to be carried into effect at the next, and, therefore, that it would not be desirable to increase the duty upon any article of impost that any gentleman might, from, perhaps, whim or caprice, suggest, since this would afford no effectual source. For, said he, though we have sufficient evidence before us, that the revenue of 1797 will be equal to the expenditure, we have not sufficient information to convince us that any additional duty laid upon the articles proposed, will produce additional revenue. And indeed, there was not time, during the present session, to determine upon any tax (if there should be a disposition to do it) such as had been proposed, on windows or stamps.

If, he said, there was an immediate want of money, and government must stop if it was not procured, as a direct tax could not be laid this session so as to produce immediate re-

venue, he would have consented to an increase of duty on some articles of impost; but this was not the case.

For these reasons, and in order to give time to prepare the bill for laying a direct tax at the next session, when the subjects of direct and indirect taxes could be fully discussed, and that adopted which appeared best calculated to answer the wished for end, that they might now go on and amend the bill for laying a direct tax, without passing it, he would move that the committee rise, in order to be discharged from a further consideration of the subject.

Mr. Buck, said, it appeared now to be discovered that we had no occasion for additional revenue. It was unaccountable to him that this discovery was not made sooner. It would be recollected, that last session the gentleman from Pennsylvania, Mr. Gallatin, undertook to shew that there had been an augmentation of the debt to the amount of two millions, and uniformly pressed the necessity of going into a direct tax, from an apprehension that no dependence could be placed on indirect sources; but now, upon a sudden, it was discovered that no augmentation of revenue was wanted. He could not reconcile this conduct; nor was he convinced that no augmentation of revenue was necessary. On the contrary, he believed it would be necessary to augment indirect taxes as far as they would bear, and when that was done, that resort should be had to a direct tax.

It had been referred to the secretary of the treasury, Mr. Buck said, to report upon what articles of indirect taxation an additional impost could be laid, and he had reported his opinion upon the subject. That report had been referred to the committee of ways and means, and they had reported upon it, recommending three different articles upon which an additional revenue might be raised; but, when they were about to go into a discussion of the subject, they were told there was no necessity for additional revenue. This, he said, was very extraordinary. He hoped, however, the committee would not rise, but proceed with the business.

Mr. Gallatin said, if the gentleman just sat down would advert to what had fallen from him on former occasions, it would be found that it was no new discovery that the revenue of the present year would be equal to its expenditure. The gentleman himself was on the committee of ways and means last year, and must have known his sentiments on that subject. (Mr. G. read an extract from the report of that committee, on the subject of farther revenue, which con-

firmed his opinion that the present revenue would prove sufficient till the year 1801.) Mr. G. said, it was upon that report that a direct tax originated, and he had never, from the time that he first was upon the committee of ways and means, held any other opinion than that the present revenue would be equal to the present expence.

As to what he had said with respect to the increase of the public debt, that had nothing to do with the subject; because the revenue of 1792, 1793 and 1794, was not equal to the expenditure of those years, this could not have any effect upon the present time.

Mr. Williams believed the revenue might be sufficient to meet the expenditure; but he asked whether it would be provident to have only just enough, especially when there was an apprehension that our commerce might meet with considerable obstruction. Although he was for reducing the military establishment, which measure had been defeated by a majority of that house, he did not wish to prevent the collection of sufficiency of revenue. Whatever was more than the expenditure, would be well applied in discharging a part of our debt. An additional sum might be very easily raised from sugar, and from several other articles, without much trouble, and the next session there would be more time for maturing a direct tax. He hoped the committee, therefore would not rise.

Mr. Henderson hoped the committee would not rise. The gentleman from Pennsylvania had given two reasons for the rising of the committee; one because no revenue was at present wanted, and that therefore it was not necessary to go into the subject this session. His other reason was that they had not information sufficient upon which to ground any calculation with respect to the productiveness of any tax which might be proposed. With respect to the present revenue being sufficient, he had much doubt, as the loss from spoliations committed by foreigners upon our commerce would doubtless be great, and consequently reduce our resources. It was on this account, that the propositions for augmenting the revenue had been brought forward. Every gentleman who had spoken on the subject, had touched upon the necessity of meeting the defalcation, and it appeared to him that the easiest way of doing this would be my means of an addition of duty to some of the articles of import. Considerable time had been spent upon the subject, and he

hoped they should go through with it. A contrary conduct, he thought, would appear inconsistent.

With respect to documents upon which to found an additional impost, he believed they had the best that could be got, though that gentleman had said, particular items had not been brought forward, according to the whim or caprice of members: they had the statement of the secretary of the treasury giving an account of the amount of duty produced by every taxable article since the commencement of the present government. This document not only presented a view of the amount produced by each separate article, but the comparative amount of one year with another; from which a judgment might be formed, whether the duty had checked the importations, or the contrary. This being the case, and having got the business matured, he hoped they should fully consider the subject, and not abandon it without examination.

Mr. S. Smith said, he should be excused from the censure of the gentleman from Vermont, because he had before stated the revenue of the United States to be equal to the expenditure. He had examined the estimate which had been laid before that house by the Secretary of the Treasury, and found that, until the year 1801, the revenue would be sufficient. He was, however, for going into the system of direct taxation, to see whether the plan could be carried into execution; if it could it would be a desirable thing. He should, therefore, be for the committee's rising; because, if they did not go soon into the subject, there would not be time for them and the Senate to discuss the subject of direct taxes. He formed his opinion from different documents from those which the gentleman from Pennsylvania had had recourse to; he had had recourse to the report of the Secretary of the Treasury, on the subject of direct taxes, but he believed, in effect, they would amount to much the same thing.

D E B T

From 1796 to 1801 inclusive, the payment required as well for interest as the average principal to be discharged, will be,	-	-	-	£. 4,729,398
Annual expenditures, on the payment of Octo-				
ber 1795 to 1796,	-	-	-	2,000,000

£. 6,729,398

From 1801 to 1809 inclusive, the same payments required, will be	- - -	£. 5,877,094
Annual expenditures,	- - -	2,000,000
		<hr/>
		£. 7,877,094
		<hr/>

From 1810 to 1818 inclusive, the same pay- ments will require,	- - -	£. 4,619,668
Annual expenditures,	- - -	2,000,000
		<hr/>
		£. 6,619,668
		<hr/>

R E C E I P T S

From the 1st of October 1795, till the 30th of September 1796, were actually		
On duties of imposts and tonnage,	- - -	£. 6,135,196
Internal revenue,	- - -	409,579
Postage,	- - -	58,909
Dividend on bank stock,	- - -	160,000
		<hr/>
		£. 6,823,684
Interest on stock purchased and redeemed,		88,636
		<hr/>
		£. 6,912,320
		<hr/>

From this statement, it will appear, that if the revenue of 1796 can be relied on, that it will be found equal to all expenditures until the year 1800. From that period, we shall require an additional revenue of £. 964,774; say one million, until the year 1809 inclusive. At which time the Dutch debt being paid off, the demand lessens, so as to fall within the amount of the present revenues of the United States.—It will be fair to suppose that the revenues will increase equal to any ordinary rise in expence.

Mr. Williams said, with respect to the sum said to arise from the postage of letters, if the bill which had passed that house went into a law, he did not think there would be a single dollar saved from that source. In their calculations of expenditure, gentlemen had not taken in any estimate for fortifications. They had had a report on that subject, and he

believed it would be necessary that some money should be expended in that way. He thought there were other expenses not included in the estimate made.

Mr. Dayton, (the Speaker) said, that if the motion for the committee to rise and be discharged from the further consideration of the plans for improving the system of indirect taxation, was the result of a conviction that it would be unnecessary to encrease the revenue at this time, he should cheerfully give it his assent. Thinking however that the object of discharging the committee was to smooth and better prepare the way for a land tax, he should be decidedly opposed to it. He had expressed a belief that by laying additional duties upon four or five articles of importation, which were too bulky to be smuggled, and easy, certain and cheap in their collection, the revenues from that source would be so far improved and enlarged, as to render the income equal to the exigencies of government. It was consistent and politic in those gentlemen, however, who had composed the majority in favor of the abstract proposition for direct taxes, to advocate this motion for abandoning the attempt to improve the impost duties, which stood much in the way of their favorite system. Their arguments in favour of that system would be strengthened in the proportion that they could encrease the necessities of the government, and check the investigation and adoption of other new sources of revenue. The majority had it undoubtedly in their power to forbid by their vote the discussion and consideration of any plan which tended to counteract theirs.—If they did so, and if they afterwards forced upon the minority the discussion of their own, he for one, Mr. Dayton said, should think himself warranted to decline entering into its merits, and to oppose the bill upon a more general principle of it's being unnecessary and unadvisable so soon to resort to a land tax under any modification whatever.

Mr. Gallatin said, when he was up before, he had declared, that he did not wish the system for laying a Direct Tax, to be carried this year. He did not know, therefore, what the gentleman meant, by saying it was a politic measure to get rid of the business, in order to smooth the way for a direct tax. If this had not been his view, he would not have made the declaration he had made it, because he considered himself as bound by it. He wished to have the bill amended, and go out to the people as a proposition; but farther he did not wish to go at present. He therefore thought, after this ex-

PLICIT declaration, the remark of the gentleman last up was uncandid.

Mr. Nicholas said the warmest friends of a direct tax did not expect it would be in the power of the house to modify the bill so as to pass it this session. He was not himself willing to vote for the bill as reported ; but he doubted not it might be so amended, as that he should be induced to vote for it ; because he was convinced the necessary revenue could not be raised from the articles proposed. The three articles which the Secretary of the Treasury had reported as most likely to produce additional revenue, might produce a small sum ; but could not be reckoned as a substitute for a direct tax, and there was, therefore, no alternative by which to supply the wants of government.

With respect to the arguments used in favour of indirect taxes, viz. that they were certain and easy of collection, he thought they were against their adoption. The great argument of the gentleman from S. Carolina for an increase of duties upon certain articles, was, because their consumption had increased. It was strange that any gentleman should lay stress upon this, since within these few years, the price of labour had nearly doubled, and if the increase of consumption were compared with the increased price of labour, it would not be found to have kept pace with it.

Another object had been mentioned for producing revenue, viz. a Widow tax. It was the greatest absurdity, he said, to think of making an article of caprice, a mean of furnishing revenue. From what circumstance had a man a house of this or that size, but from his taste or caprice. Such a tax would fall very unequally. For instance, if one man had two thousand acres of land, and another had 1000 acres of land, and the value of another thousand in money, though their fortunes were equal, they would not equally contribute to this tax. The man who had the money would immediately build himself a commodious house, but he whose property was wholly in land, might spend half his life before he got a comfortable house erected. This object was therefore a matter of more whim and accident, and a very improper one of taxation.

An objection to indirect taxes altogether, was, that the expence of collection greatly counterbalanced the facility with which they were raised ; for, before the money came into the treasury, there were three collections and two insurances paid for, which would not amount to less than 50 per cent ; as,

there was not only the immediate collector of these duties to pay, but also two merchants, and they must all be indemnified for the risk they run of losing the revenue, which would not be done, without an adequate charge. It would, therefore, become a matter well worth consideration, whether, because this money could be drawn with facility from the people, it would warrant so much more being drawn from them than would be necessary, if the expence of collection were moderate. He believed it would not; and that the people had understanding sufficient to know that it was best to support government in the least expensive way, since all money for its support came from them, and that 50 per cent was too much to be paid for the accommodation of having their money insensibly drawn from them.

With respect to our revenue being sufficient to meet our present expences, he believed gentlemen were correct in their statements; but if a tax must be laid, he should be in favour of a direct tax, as the fairest and cheapest way of collecting money for the expences of government.

Mr. Kitchell said, he had attended to the statements which had been given to them by the gentlemen from Pennsylvania and Maryland (Mr. Gallatin and Mr. S. Smith.) It was their opinion our present resources would be sufficient till the year 1801, and therefore, that it was not necessary to go into a consideration with respect to additional revenue till next year. But, Mr. K. believed, if they considered the probable deficiency which was likely to take place in the imposts of this year, they could not reckon with any certainty upon the revenues to be derived therefrom in the year 1798. He was ready to acknowledge the revenues of 1796 would pay the expences of this year, but he doubted much whether those of this year would be equal to the expences of next. He thought it, therefore, necessary to provide additional revenue at this time, or the deficiency might overtake them, before they were prepared to meet it.

But gentlemen said at the next session of Congress they would bring forward a system for collecting a direct tax. Mr. K. said he was opposed to this mode of raising money, if it could be avoided; and, as long as other means of raising revenue were passed over, he could not agree to go into this measure; for, he conceived that a direct tax would fall unequally, both upon states and individuals; for, as the tax was to be laid upon the states according to the last census, and since that time many states had greatly increased, whilst

others had remained nearly stationary, it would be unequal in that respect; and, when they went into the bill, it would be found, it could not be so laid, as to fall in any degree equally upon different classes of citizens; for, though the commissioners to be appointed were to be vested with legislative and judicial powers, it could not be made to bear so equally as an indirect tax. It had been said that the collection of an indirect tax was expensive. He admitted it; but what should they get in this respect by adopting a direct tax. Another horde of officers must be appointed; and as great an expence would attend the raising of 1,200,000 dollars from this source, as was paid for 6 or 7 millions from indirect means. He could never, therefore; consent to abandon indirect taxes for the purpose of adopting a direct tax: he should of course, be against the committee's rising, in order that the propositions for raising additional revenue from existing taxes, might be considered.

Mr. W. Smith had no objection to the committee's rising, as the hour of adjournment was at hand; but he hoped it would be permitted to sit again, because he thought it was right to give gentlemen who were opposed to direct taxes, an opportunity of bringing forward every object of an indirect kind upon which they thought an additional duty ought to be laid, that if hereafter it should be necessary to lay a direct tax, they might vindicate themselves by saying they had done all in their power to raise the necessary revenue, without effect, by means of indirect taxes.

Mr. S. said there was considerable embarrassment in this business. Gentlemen in favour of indirect taxes, from the present high duties and the embarrassments upon commerce, could have no certainty of any addition which might be made to the present duties, being productive; and gentlemen who thought with him, that however successful our commerce might be, a sufficiency of revenue to meet our wants could not be drawn from indirect sources, were unwilling to increase the duty upon the two or three articles reported as most likely to produce additional revenue, thinking the duty already sufficiently high.

There was another source of revenue which had been proposed, which would be free from the embarrassment to which a duty on imposts was liable, viz. that of stamps. This species of tax was equally freed from the objections brought against direct and indirect taxes, and had therefore the advantage of neither being classed with the one or the other.

It would be seen whether such a kind of tax on stamps could be devised as would prove acceptable to that house.

In the course of this discussion, gentlemen had doubted whether any revenue at all was at present necessary. He said he had paid a good deal of attention to this subject, but he differed from those gentlemen in opinion. There were but few things upon which to ground a certain decision; a great deal, he said, must depend upon conjecture. They had not yet passed the appropriations for the civil list, military or naval establishments; therefore, no deductions could with certainty be made from these items. So with respect to our revenue; the uncertainty of what the amount of this might be, not only from the spoliation which were committed upon our commerce by foreign powers, but from the present embarrassments of our merchants, was great. There was no fact from which to draw a conclusion. Gentlemen made their own inferences; but from the best information he could get, he believed the revenue would fall short of what it had been calculated. The gentleman from Pennsylvania (Mr. Gallatin) had stated the amount of the interest, and of our foreign debt, to be 3,900,000 dollars. He had estimated another object (foreign intercourse) at 300,000. These might be nearly right; but the same gentleman had calculated upon a reduction of the military establishment of 250,000 dollars. Now he had enquired from the secretary of war, what saving could be made under this head, and he did not consider that there would be any saving at all from last year. He said they had last year deducted from the estimate about 100,000 dollars, but they now found they had to make up a deficiency; and probably if any deduction was now made, they should have to make it good next year. This deduction was, therefore, founded upon conjecture.

The same gentleman had estimated the instalment of the foreign debt due to Holland at about 400,000 dollars. This might be the sum we shall have to pay this year; but the secretary of the treasury had estimated what was necessary to be paid in each year, in order to discharge the whole till the year 1801, and he made it 1,200,000; and if only 400,000 were paid this year, the deficiency would have to be made up another.

Mr. Smith said, he understood it was also the wish of the house to make provision for the payment of a part of the public debt as soon as possible, because it was a continual embarrassment; he therefore hoped some effectual means of

revenue would be adopted for discharging the debt; but if only 160,000 or 400,000 dollars of foreign instalment was calculated for this year, it would fall the heavier in future. So with respect to the bank, the debt due amounted to six millions. The gentleman had said provision had been made for the payment of this; but he asked in what way. They had authorised the commissioners of the sinking fund to sell their shares of bank stock, and to create a six per cent. stock which was to be sold upon certain conditions. With respect to the bank stock, to the amount only of 1,200,000 dollars had been sold, and that at an advance of 25 per cent. at 60 days credit without interest, which had since fallen 10 or 11 per cent. so that if they were obliged to sell more of it, it would be at a great loss. With respect to the six per cent. stock, if they were obliged to sell it, the loss would be enormous. He therefore thought they should not determine on this mode of discharging the debt; but raise taxes to pay it.

He said it was true, that the amounts of imports for the year ending Oct. 1796, was upwards of six millions; but it would also be acknowledged that this was an extraordinary year, and that (as it had been urged on a different subject) 1795 would be a more just calculation for the future than 1796. With respect to the internal revenues, they were uncertain; he did not suppose there would be any considerable increase upon last year; and he doubted whether there would be any surplus from the post-office, if the law now before the senate passed. Therefore, allowing the gentleman's statement to be nearly accurate, additional revenue would be necessary, and it would not be right for the house to adjourn without furnishing it. He therefore wished the committee might rise, and have leave to sit again.

Mr. Dayton said, that the member from Pennsylvania seemed to claim an apology for an expression that he had uttered when last upon the floor, but he owed him none. He had said that a majority had been found to vote for a direct tax, and that it was very consistent and politic in them to discharge the committee of the whole from the consideration of indirect taxes, and thereby remove the principal obstacle to their views. That gentleman seemed displeased that his declaration had not been believed to be, not merely his own sense and intention, but that of the majority also. With what propriety, Mr. Dayton asked, could he put himself in their place, under what authority could he thus answer for them? Admitting that the gentleman had given as-

urances, that he would not call for passing the land-tax bill in the session, and that he would adhere to his promise, might not other members call for and carry it through without him, and might it not be probable that they would carry the present motion with that design? Besides, Mr. Dayton said, he was not satisfied with any assurances confined to that session alone, and should not thereby be allured to abandon the plan which he thought far better. He wished to adopt such measures as would put a land tax at a greater distance than this year, the next year, or the year following, or until a war left them no other choice. This he was persuaded could only be done by an immediate addition to the duties on four or five articles of importation which would well bear it, and produce about 6 or 700,000 dollars annually. It might commence as early as June or July, and the impression which it would make upon the debt in three years, would be such as to liberate a portion of revenue sufficient to face the increased demands of 1801, without imposing any new tax whatever.

The committee, on repeated calls, rose, and the house, after granting leave to sit again, Adjourned.

Friday February 17th.

Mr. Clopton presented a petition of Thomas Underwood, praying the amount of fundry lottery tickets drawn prizes in the United States lottery, during the war. Also a petition of Samuel Abbot and others for pay due during the war.

Referred to the committee of claims.

A message was received from the senate, informing the house that they insist upon their amendment to the resolution respecting a call upon the debtor states for the balances due to the United States, and desire a conference, for which they have appointed Mr. Ross and Mr. Stockton. Whereupon Messrs. Gallatin, Coit and Baldwin were appointed on the part of this house.

An estimate was received and read from the Treasury Department of the emoluments received by the collectors of the different ports of the United States.

Mr. Dwight Foster, from the committee of claims, reported a bill for placing certain persons on the Pension list, which was twice read, and committed to a committee of the whole. The house went into committee upon it, but, in

order to gain information on the case of a man claiming to be placed on the pension list, and not inserted, the committee rose and had leave to sit again.

On motion of Mr. Gallatin, the house went into a committee of the whole on the bill, allowing a drawback on spirits exported by vessels of less than 30 tons burthen by way of the Mississippi; it rose and reported the bill without amendment. The house took it up, when Mr. Coit moved to strike out the word *repeal*, with a view to insert the words *to suspend for one year*, the effect of which would have been to suspend the act which prevented the drawback being allowed instead of repealing it. Mr. W. Smith moved to have it re-committed to the committee of commerce and manufactures, which being negatived 40 to 35, the amendment was then negatived, and the bill was ordered to be engrossed for a third reading to-morrow.

After some conversation upon the propriety of taking up different subjects, it was agreed that the house should resolve itself into a committee of the whole on the unfinished business of yesterday, viz. that of indirect taxes, which was accordingly done; Mr. Dent in the chair, and the resolution for laying an additional duty on brown sugar being under consideration:

Mr. W. Smith hoped they should agree to this resolution. He thought there was no danger of its being felt much, could be easily collected, and would raise a considerable sum.

Mr. Nicholas said because a tax was imperceptibly felt and certain in collection, was a bad rule to judge of its propriety. If they had no choice of means, indeed, such a tax might be desirable; but they should consider whether this additional duty might not lessen the consumption. It might be said that half a cent would be scarcely felt; and it was true that the higher the duty was raised, the less considerable would any future addition appear, and this would introduce a principle of laying taxes upon those articles upon which they could be most certainly collected, without regard to propriety or justice. And if revenue was again wanted next year, he should not be surprized to hear it said, that another half cent on sugar would scarcely be felt. But it was a serious consideration, thus to tax articles of necessity, which were used by persons who could ill afford to pay any additional price for them, in a much greater proportion than persons of property. It was an article of neces-

sity; old and infirm and sick persons would feel it very heavy. The tax would thus lie heavy on persons who could not afford it; this he thought should bear weight with the committee. And he thought it should not be hazarded.

Mr. W. Smith said, the proposed increase, it was calculated would raise 110,000 dollars, and as the article was not liable to be smuggled, nor its consumption to be decreased, it would be a certain, and he thought, an eligible tax.

Mr. Holland had no doubt but this tax would augment the revenue; but he knew also that it would fall more upon the poor than upon the rich, and he thought they ought not to add to their burdens. He thought there were other articles which would bear some addition, but either brown sugar or salt, would be much felt. If they studied that which would be burdensome, here they might fix, but he hoped this was not the principle. By advancing an article so universally used, a rise of labour (already too high) must naturally follow.

Mr. Swanwick said he could only repeat his observations of yesterday (which he mostly did) they had lately been called upon he said for advance of salaries to many officers: instead of advancing he said, they were lessening them by taxing articles of necessity.

The situation of the west Indies, had lately raised that article very much. He thought great inequality would be produced by it and much injury felt.

Mr. Kitchel believed the rich and opulent would bear their portion of this tax as well as the poor, as it would fall upon fine sugar as well as upon brown. It would therefore be paid in proportion to the sugar used, and would fall as equally as any other tax which could be laid.

In this instance, Mr. Kitchel said, gentlemen seemed apprehensive of the poor bearing too great a part of the burthen; but, if the direct tax on land were to take place, would it not, he asked, fall much heavier upon the poor than a tax on sugar? He believed it would; since the poor who held lands would be called upon to pay their portion of of it, whilst the rich, who held no lands would escape it. He, therefore, thought this a far preferable tax.

Mr. Dearborn said, if further revenue was necessary, he could not conceive any article which would bear an advance of duty better, than the one proposed. The present duty, he said, was $1\frac{1}{2}$ cent a pound, and could it be supposed, that

to lay an additional half cent upon it, could make much difference to the consumer, or that it would ever be felt, or that, at the end of a year, it would be discovered whether $1\frac{1}{2}$ or 2 cents duty had been paid upon a pound of sugar? He should have no objection, instead of half a cent, to lay an additional cent upon this article. In various parts of the country, brown sugar was retailed from 12 to 20 cents a pound, the price being much increased from the present distressed situation of the West Indies. But they would find sugar of the same quality selling in one place for 12 in another for 14 or 16 cents; therefore, whether the duty was one or two cents, he did not think it would be felt by any body. It was true, that it was an article used by the middling and lower classes of the people; but the tax falling upon fine as well as brown sugar, all parts of the community would bear an equal share in the burden.

Mr. Dearborn said, he was not certain whether any additional revenue was at present wanted; but, at all events, he could see no objection to an additional half cent or cent upon sugar; when even this small advance, would raise more money than the whole of some taxes which were very expensive in the collection. Whenever peace and tranquility took place in the West-Indies, and the trade to that quarter could be carried on as usual, the price of sugar, he said, would fall to nearly the price at which it was formerly sold.

Mr. Williams moved to strike out the half cent, and insert a cent. It appeared to him that such an advance could not materially affect the consumer. The people, it was true, might use less; but, if they did so, as it was an article of luxury, every pound of sugar which was less consumed, would be of benefit to the country, by keeping the money which it cost in a foreign market, at home. But he did not believe that this would be the case; or that the proposed additional duty would increase the price of labour, as had been suggested. He believed the price of labour would be regulated by the price which the farmer was enabled to get for his produce. Whatever the farmer could afford to give his labourer (especially in this country where agriculture was the true interest) would fix the price of all other labour.

An additional cent on sugar, he believed, would produce at least 220,000 dollars; and, as he had before observed, if it caused some persons to use less it would be an

advantage to the country. During the war, he said, in the part of the country where he lived, very little sugar was used, except what the people made themselves, and they, at that time, in some degree got out of the use of it.

Mr. Holland said, perhaps the constituents of the gentleman last up might manufacture their own sugar, and, therefore, would not be affected by this tax; but the greater part of his constituents were obliged to use and purchase their sugar; and, if it were a luxury, it was one he did not wish to deprive them of, but that they might have it upon the same terms as usual. He looked upon it as a necessary of life, already at too high a price, and he should, therefore, oppose any advance of duty upon it.

Mr. Gallatin said, he was, and his constituents were in the same situation with the gentleman from New-York (Mr. Williams) and his constituents—they manufactured almost the whole of their own sugar—very little imported sugar was used; indeed they sometimes exported sugar; but though this reason seemed to act pretty powerfully upon the gentleman from New-York, it would not have the same effect upon him. Whenever a measure operated partially upon other parts of the Union, though it might operate in favour of his constituents, he should feel himself in duty bound to oppose it. On the ground of their being representatives of the whole Union, as well as on the ground of policy, he did not believe it was right to endeavour to throw a burden upon one part of the Union, because the part in which they were most particularly interested, would escape it. He hoped the amendment would be rejected, and after the sense of the committee should have been taken upon it, he also would move an amendment. At present, he said, brown sugar, paid $1\frac{1}{2}$ cents a pound duty and molasses 3 cents per gallon. He should, therefore, move, to have an additional cent laid upon molasses, in order that the two articles might be increased in the same proportion. He was against any increase at present; but if the duty on one article was increased, the other ought also to be increased.

With respect to the opinion of the secretary of the treasury, which had been said to be in favour of this tax, he believed it was rather against it. [Mr. Gallatin here read an extract from the letter of the secretary of the treasury, on the subject of indirect taxes, which seemed to say "that this tax would be as eligible as any other, though there

might be danger in increasing any."] Mr. Gallatin added that if half a cent advance might in some degree be eligible, a whole cent would be considerably less so. He hoped, therefore, it would be rejected.

Mr. Williams observed, that he had said the people in the part of the country from whence he came, made their own sugar during the war; if they were to make it now it would cost them more than double the price at which they might purchase it. Mr. Williams said, when the gentleman from Pennsylvania (Mr. Gallatin) found the land tax was not likely to pass, he wished to defeat every proposition for an indirect tax. He had attempted, therefore, to defeat an additional tax on sugar, by proposing to add molasses to the resolution. He did not think this fair; he wished every proposition to stand upon its own ground. A few days ago, that gentleman had insisted upon the necessity of laying a direct tax; but now he came forward and said no additional revenue was wanting. He wished not to have a compulsory tax; but a tax which persons might pay or not. If they did not like to pay the tax on sugar, they might do without it.

Mr. Cooper said he was against any additional duty on salt or sugar, though he and his constituents (as well as his colleague and his constituents) should bear no part of the burden, as they made not only sufficient for themselves, but for sale. Indeed, he said, a duty on salt exported out of the United States, would produce revenue, as a considerable quantity was sent into Upper-Canada.

Mr. Williams denied that his constituents made any salt, they had no salt but what paid duty; nor did his constituents make one fourth of the sugar they used; nor did he believe his colleague (Mr. Cooper's) constituents made one half of the sugar they used, as he well knew that a large quantity of sugar was sent to that district by way of Albany.

Mr. Reed hoped the amendment would obtain: Although such persons as lived at a distance from market manufactured their own sugar, and consequently would be excused from this duty, yet they laboured under many disadvantages in other respects, on account of their remoteness from market, and therefore he had no objection to their being excused from the operation of this tax. He did not believe this tax on sugar would fall upon poor persons. Farmers, indeed, used a little brown sugar, but they would rather pay a little more for this article, than have their land taxed.

Mr. Claiborne was against the amendment. If an additional duty of one cent was laid upon brown sugar, the different dealers would make it three or four, so that it would be materially felt.

The amendment was put and negatived, there being only 29 votes in favour of it.

Mr. Gallatin then moved to amend the resolution, by adding an additional cent per gallon upon molasses. At present the duty on brown sugar was $1\frac{1}{2}$ cents per lb. and on molasses 3 cents per gallon. The advance of 33 per cent. on the present duty, would be the same that had been agreed to be laid upon sugar.

Mr. Swanwick seconded the motion. The only way in which the tax on brown sugar could be secured, was by advancing the duty on molasses in the same proportion, otherwise molasses would be used in the place of sugar, and the duty would be evaded. But, he said, he would have gentlemen consider in what situation they placed the revenue, in respect to drawbacks. The person who paid the duty, was probably not the same who drew the drawback on exportation; the United States run the risk, therefore, of paying the drawback, without receiving the duty. Though he thought the tax on sugar highly objectionable, yet if it were adopted, he thought it right that it should be accompanied by a proportionate tax on molasses, as security to the duty being paid. One cent a pound on sugar, it was said, was a trifle; but it was well known, that the price of that article was at present very exorbitant, from the disorders which had taken place in the West Indies.

Mr. W. Smith did not think this amendment was in order. The first proposition should be agreed to or disagreed to, before any other proposition was produced. It was improper when an additional duty on sugar was under consideration, to introduce any other article; for they might as well add millinery to the proposition as molasses.

The chairman determined the amendment to be in order.

Mr. Nicholas hoped the amendment would be agreed to. His principal objection to a tax on sugar was, because having been successful in making one addition, it would be an argument for making future ones; but if molasses was added to it, the tax would then fall more equally on the poor of different parts of the union, and be a means of keeping down the tax.

Mr. Buck said, if he thought the advocates of this amendment would vote for the resolution when amended, he might be induced to vote for it; but he believed they did not mean to do so. If an increase of the duty on brown sugar would fall upon the poorer class of the people, an additional duty on molasses would fall much heavier upon them. But he thought gentlemen were mistaken with respect to the operation of the tax on brown sugar; in the country, he said, it would not fall upon the poor, though in the cities it might do so; though in increasing the duty on brown sugar, that in fine was also increased. In the country, he said, it was the rich who used brown sugar, they had not got to that pitch of refinement which called for the use of fine sugar, they used brown sugar, and the poor used none, they sweetened with molasses. Notwithstanding this, if he thought gentlemen meant to vote for the resolution when amended, he would not object to the addition on molasses, as he did not think so small an advance would be materially felt.

Mr. Rutherford hoped they should not agree to lay an additional duty on either of these necessities of life. He hoped there was sufficient good sense in the house to oppose such a measure. They were used by all classes, from the infant to the stoutest man; particularly by many poor, infirm, aged persons, who looked upon them as nutritious and balmy nourishments. He hoped, therefore, they would not increase the price of these articles; for if an additional cent was added, the dealers would add 2, 3, or 4 cents, which would be more than the poor could afford to pay for them.

Mr. Christie believed the gentleman from Pennsylvania meant, by the introduction of this amendment, to defeat the tax on sugar altogether; he should, therefore, vote against this amendment; but if the additional tax on sugar should be carried, and the additional tax on molasses should be introduced alone, he would vote for it, but he would not vote for them together. He did not think the tax on sugar would fall upon the poor particularly, as fine sugar would be taxed equally with the brown. He thought it was a fair object of taxation. He believed they should want revenue, and he did not know an article from which it could be better raised.

Mr. Findley was at a loss to know how a tax on molasses would operate; but his doubts had been removed by the gentleman from Vermont (Mr. Buck) who had informed them it was used by the poor in place of brown sugar. In many parts of Pennsylvania, he said, molasses was scarcely

known, and brown sugar was generally used by the poor; if, therefore, the same class of persons in one part of the country used molasses for the same purpose for which brown sugar was used in other parts, it was only reasonable, that both should be taxed in the same proportion.

His colleague (Mr. Gallatin) had mentioned that his constituents would not pay any of this tax, as they made their own sugar. It was so with a part of his constituents, but not with the whole. As it would be unjust to pass one tax without the other, he should be in favour of the amendment.

Mr. Gallatin said, it had been charged against him, that he had introduced his amendment with a view to defeat the tax on sugar. He had already said that he did not wish for any indirect tax during the present session; but, at the same time, he considered it his duty, if a majority should choose to pass the resolution, to make it as good as possible, before he voted against it, for this purpose he had introduced his amendment. Whenever the duty on sugar was increased, that on molasses should also be increased. With respect to what had been said about the duty on brown sugar not falling upon the poor, it was contradicted by the quantity every year imported into the United States. When they knew that this amounted to 22 millions of pounds weight, they must conclude that it was used by the poor as well as the rich; for though the eastern states used a great deal of molasses, it was not the case in the middle, southern and western states; all classes of citizens in those states used sugar. The voting for the amendment now, was the same as voting for it in any other shape. It was doing now, what would be done hereafter, if now omitted. There was nothing informal in it. He saw no reason which could be urged for one taking place, which would not equally hold with respect to the other.

Mr. W. Smith did not think it was the same thing to vote on the proposition in its present state, as voting upon it in a bill. He thought, in the beginning of a business, members should have it in their power to vote upon the resolutions separately; otherwise the sense of members could not be known upon both parts of the resolution, as the question would first be taken on the amendment, and then upon the whole together. He was sorry the chairman had thought proper to tolerate so unfair a practice. He hoped, however, gentlemen would vote against his proposition at present; though, if it were brought forward separately, he should not object to vote for it.

Mr. Swanwick thought that those gentlemen who separated the articles of sugar and molasses would wish to defeat the object: thus it was with the gentleman last up; this was introduced with a view of securing the collection. Mr. Swanwick said he had before stated the injury the United States might sustain, in case of a failure of pay from the imported, and need not repeat that he objected in toto to the tax.

Mr. Buck asked if when on the question on the resolution, (if adopted) a separate vote could be given, he was answered no; then he would observe to the gentleman, that if it could not be separated, he hoped it would not be introduced, it having been said sugar would operate on the poor, now he said here was an article introduced with it that would operate worse than the other; therefore, he should oppose both, if put together, when if separated he should have voted for the tax on molasses alone, as sugar was a great means of sustenance, and use.

Mr. Reed said, he was not pleased with the amendment, or the manner in which it had been introduced; but he had no particular objection to an advance of the duty on molasses. He did not think it would much increase the price of that article, as it would operate more upon rum, than upon molasses; he should not, therefore, oppose it.

The chairman again remarked (in reference to what had fallen from Mr. W. Smith) that the amendment was in order, though he did not think it the most fair way of introducing the business.

Mr. Gallatin conceived that he was the best judge of the fairness of his proceedings; and, as the chairman had declared the amendment to be in order, he expected a question would be taken upon it.

Mr. Nicholas must beg leave to differ in opinion from the chair in this instance, though he must own much deference was due to it: he thought the proceeding perfectly fair. Mr. Nicholas would vote for this, in order to have the two connected, that gentleman could now vote against the addition of molasses, then he might have opportunity to vote on sugar alone. He should wish it extended to both alike. The gentleman (Mr. Buck) was mistaken in his application, on this subject; it was not taxing the sustenance of the poor in one article more than another, for the sugar would most affect one part, yet molasses would as much affect another: he therefore hoped, if gentlemen wished

fair and equal taxation, that this association would take place, this equalization would go to prevent any opposition to the tax which would otherwise be hazarded.

Mr. Buck was satisfied with this explanation, therefore, supposing gentlemen who supported the amendment would vote for both, according to this modification, he should go with them, if not he should oppose the amendment.

Mr. Dayton (the speaker) said, he did not rise to speak to the point of order; he considered that as already settled by the chairman. Every member, he said, against laying any additional tax upon molasses, would of course, vote against the amendment; and all those who had no objection to the tax, but who did not wish it to be thus introduced, of whom he found there was not a few might join them, as after the additional tax on sugar was agreed to, that on molasses might be again introduced.

Mr. S. Smith said, he had some doubt, before the last gentleman was up, of the propriety of tacking these two articles together, but now he had none. One part of the Union, he supposed, would be for voting out molasses; but his constituents would not like the tax on sugar, except it was accompanied with that on molasses; as a subject of sweetening, he thought they should both go together. Mr. Smith said he had another article of sweetening, which he wished also to add to the resolution. Great quantities of sugar candy were manufactured in Holland and was sent all over Germany, which was used with tea and coffee, in the place of sugar. This article, he said, was finding its way among the Germans, in this country. At present it only paid a duty of 10 per cent, ad valorem, which was a very inadequate duty, when compared with that paid on sugar. Mr. Smith said, he was against going into the subject of indirect taxes, but he thought with the gentleman from Pennsylvania (Mr. Gallatin) that it was his duty to make the resolution as good as he could. Nothing had been said to prove that we had not revenue enough for the present; but he would however, move to add nine cents a pound upon sugar candy imported.

Mr. Smith said, he agreed with the secretary of the treasury, that sugar was amongst the most proper articles upon which to lay an additional impost; but he wished for some permanent source of revenue, and not to adopt the trifling modes proposed. Gentlemen talked of deceiving

the people ; he said they could not be deceived ; they would know there were two parties in that house, the one for direct the other for indirect taxes. Those gentlemen who were opposed to direct taxes, brought forward these articles in place of it. The people need not be told this ; they saw it evidently enough.

Mr. Holland said though he was opposed to direct taxes, he was also on sugar and molasses ; he saw all the disadvantages of some other gentlemen, on taxing West-India produce at this critical juncture, but if it must pass he should think it his duty to endeavour to make it pass as unexceptionable as possible, however, he should oppose both, and though it affected his constituents differently from those of Vermont, yet he should not include them as necessarily connected. Mr. Holland thought if these were opposed, there might be many articles more proper to lay a tax on : but he thought there was no necessity for any this session.

The question for adding one cent per gallon on molasses was then put and carried.

Mr. S. Smith then moved that nine cents per pound be laid on sugar candy imported, observing that it was much used by the dutch, and there being much sweetening in it, it should bear a proportionate duty.

Mr. W. Smith wished the gentleman to be candid, on the motive of his proposition.

Mr. S. Smith answered that his conduct with respect to the subject had always been fair and unequivocal ; he wished the whole propositions to be defeated, which he had before declared, but to make it equal and consistent he proposed the addition. It was then put and carried.

The question was put on the whole resolution as amended, and carried. Ayes 52.

The resolution to add two cents per lb. upon bohea tea then came under consideration.

Mr. Harper thought there was so much danger and so little profit from a duty on this article, that it had better be objected to. The duty on tea, he said, was already high ; the consumption had not increased, but decreased, and being light of carriage it would endanger smuggling : besides, the proposed duty would not put more than 15,000 dollars into the revenue, which was not worth hazarding a practice so injurious to other articles for.

Mr. Gallatin said he also was against agreeing to this pro-

position, but he could inform the committee that this encrease of duty was intended to prevent smuggling, and not to encrease it. It was believed that the highest priced teas were sometimes entered as bohea, on account of the lowness of the duty, and this encrease was intended to prevent the practice in future.

Mr. Harper said, he was not likely to know that it was not the intention of the committee to raise the revenue, but to prevent smuggling, by this proposed advance.

Mr. W. Smith said it was thought the proposed advance on bohea tea, would raise 30,000 dollars. His colleague was mistaken when he said the consumption of this article was decreased; it was encreased. The objection to this proposition was, that it would be too great an advance upon this sort of tea. The committee would judge of the propriety of the tax. He thought the addition would not be much felt.

Mr. Harper acknowledged his mistake with respect to the decrease of the consumption of bohea tea.

The motion was put and carried.

The next resolution which came under consideration, was that for laying an additional duty of two and a half per cent. upon unstained and unprinted cotton goods.

Mr. Harper moved to strike out that part of the resolution which related to cotton goods, and to introduce all the articles included under the 10 per cent. class of goods imported into the United States. He had heard no reason, he said, why this particular article should have been singled out from the rest of the 10 per cent class; the articles contained in this class were very numerous, and of general consumption, and would bear an addition as well as this. If the whole class were advanced to 12 and a half per cent. they would produce 250,000 dollars. If there was any particular reason for selecting the article of unstained cotton goods, in particular, he wished to be informed of it.

Mr. Henderson said the secretary of the treasury had reported velvets and velveteens along with unstained cotton goods, as fit articles for an additional tax, and he wished to know why the committee of ways and means had omitted them in their report.

Mr. Harper said there were many other articles more bulky, and consequently less liable to be smuggled, and upon which it would be equally proper to lay an advance of

duty, viz. woollens, of all kinds. They were included in the unenumerated articles; and though the coarser kind of the woollens were worn by the poorer classes of the community, yet the fine woollens were wore by the rich and those who would not scruple to pay the additional duty.

[Mr. H. read over the articles contained in the ten per cent. class.] respecting gauzes and lawns and many other articles of the kind, he could see no reason why they should not be raised, they were light in proportion to their value, and therefore not easy smuggled. Sattins were as necessary to be selected as cottons. Indeed he saw not why the whole class could not be raised at least one and a half per cent.

Mr. W. Smith thought the motion to strike out all the words except "all," by that means displacing one article, with an intention to insert 50 or 60 was out of order. He wished the question on cotton goods first to be decided, and then the rest might be introduced.

Mr. Dayton (the Speaker) declared the motion to be in order.

Mr. Nicholas was of opinion the motion was in order; but he did not wish to see such a measure adopted. Upon one ground he thought it unsafe. The gentleman from South Carolina, he believed, had no practical knowledge on the subject. The Secretary of the Treasury, who doubtless had the best information, was against the measure. Was it not, he asked, a serious thing, to put our trade in such a situation as to encourage smuggling? He believed it was; for the thing could not be undone, by taking off the duty which occasioned it; as, when the habit of smuggling was once introduced, the business would be continued for a much less temptation than it took to produce it.

Mr. N. said he voted with the committee on the additional duty agreed to be laid on sugar and molasses; because he thought the gentleman who had gone into enquiries on that subject, had rather reckoned too high, when they declared no farther revenue would be wanted till the year 1801; but he thought they had now provided means to supply any deficiency which might take place. Having done this, any new measure which was proposed, must be looked upon as a provision for wants of the government after the year 1801. He thought it, therefore, improper to extend indirect taxes, on a supposition that they would be wanted on the ground of supporting the expences of government.

The gentleman from New-Jersey (Mr. Dayton) seemed to doubt whether he was in earnest when he had stated the expence of collecting an indirect tax as far greater than that which would attend the collecting of a direct tax. He was serious, and that gentleman would find his assertion to be founded. There was this particular quality in indirect taxes, every addition made to them, cost as much as the original tax, the per centage was the same; but the expensiveness of this species of tax to the people, arose from paying the merchants for twice collecting and twice ensuring the duties. And it would be found if these sort of taxes were laid for fifty years, the yearly expence would be the same. On the other hand, they were told, by the Secretary of the Treasury, that 15 per cent. would be the whole of the first expence in laying and collecting a direct tax. Another thing, the revenue coming from foreign quarters, was insecure. It was acknowledged on all hands there was the greatest probability of very considerable defalcations in the revenue. Many gentlemen, indeed, seemed willing to originate the plan of a direct tax; but the valuation of property, and setting the necessary regulations respecting the business, would be incurred equally for collecting a small sum with that of a large one. And to expend 2 or 3,000 dollars in commencing the business, and still go on increasing the system of indirect taxes, which cost the people at least 30 per cent. would be bad policy. If there was propriety in originating a plan for direct taxes for the security of the revenues of the United States, they ought not to stop where they were. Was it not right, he asked, to stop the progress of indirect taxes, in order to make the expence of laying a direct tax lighter. If all the expence lay in the originating of the plan, it would be right to draw as much from that source as was wanted. The difference of expence betwixt the two plans would not be less, he said, than 25 per cent.

Mr. N. added that he had no hesitation in his own mind, to say, that the best mode of supporting the revenue of the United States, was by a direct tax; and from the uncertainty of collecting the present revenue, they could have no doubt about originating the system, and, if they went into the organization of the business, the expence would be incurred, and after having incurred it, it would be well to raise some considerable sum from that source.

Mr. Swanwick said, the gentleman from S. Carolina, had calculated that, by advancing this 10 per cent. class of goods

to 12 $\frac{1}{2}$ per cent. 250,000 dollars would be raised. In this calculation, he took for granted that our importations in future, would be equal to what they had been in time past; whilst it must be known that the importations of last year were uncommonly large, and that the embarrassments of commerce must decrease the future importations; and if so, instead of affording additional revenue, it would probably decrease our present considerably.

Mr. S. Smith said he saw no good cause why the whole class of 10 per cent. goods should not be advanced as well as unstained and unprinted cotton goods. Indeed, if he had excepted any it would have been those very articles, as he understood there was a very considerable manufactory for printing of cotton goods in this country, the proprietors of which made use of this cotton in their business. In order that our manufacturers might enter into competition with the manufacturers of foreign countries, it would be more proper to reduce the present duty, than to advance it.

Mr. Williams was of the same opinion, as it was proper to encourage our manufacturers as much as possible. How the gentleman from Virginia could say the expence would be less in laying and collecting a direct tax than adding to the indirect taxes, he was at a loss to learn; since the same officers who collected the present tax, would collect the additional duty, and all the expence would be merely the per centage to the collectors, besides it was an optional tax, and therefore judicious.—The poorer classes in this country before the war, made themselves a coarse woollen cloth; and if they were to do so again, he believed it would be a considerable saving to the country, as out of every twenty shillings sent out of the country to purchase manufactures, twelve shillings of it were wholly lost to the United States.

Mr. W. Smith hoped this amendment would not be agreed to, as he trusted it was not the intention of the house at present to go into an extensive increase of the impost duties. They had directed the secretary of the treasury to report a system for newly arranging those duties at the next session. It might be well, therefore, to raise from 2 to 300,000 dollars to supply any deficiencies which may take place for the current year, but not to go any farther. [Mr. S. here read the instructions which have been given to the secretary of the treasury on the subject, together with his letter.] He said they had better disagree to the increase on the cotton goods

than to adopt the amendment, as they had not sufficient information before them to warrant such a law.

Mr. Gallatin said, it had been repeatedly asked, and no answer had been given to the question, why this species of cotton goods had been selected for an additional duty. The reason was, the cheapness of the article: it was lower than linen; there were great importations of it from the East-Indies, and it was supposed that an additional duty on that article would be better borne than upon any other. It might be said there should be a protecting duty with respect to calico printers in this country, how far this would be proper he could not say at present. He was against the amendment, because it extended to too great a variety of articles; but, at the same time he could not agree to tax these cotton goods alone. If the gentleman from South Carolina had taken velvets, velverets, fatins, silks, and a few other articles, he would have voted with him; not because he thought either was at present necessary; but because, if it was right to increase the duty upon one, it was right to increase it also upon the other. At present, he should vote against the amendment.

The question on the amendment was put and negatived 48 to 27.

Mr. W. Smith said, before the question was taken, he wished to lay before the house a printed letter which he had received on the subject of laying an additional duty on cotton.

It was declared to be unnecessary to read it, as it had been sent to every member of the house.

Mr. Henderson moved that velvets and velveteens might be added to cotton goods, as was reported by the secretary of the treasury.

Mr. S. Smith said, gentlemen were mistaken if they thought of securing a duty upon articles of this name, as there were a hundred different names for them, which would be used in order to evade the duty.

The question was put and negatived, there being only 25 votes in favour of it.

Mr. Harper moved to add fattins and other wrought silks, which was negatived 35 to 30.

The question on the original resolution was then put and carried 42 to 38.

Mr. Harper then proposed that an additional duty of 5 cents per bushel should be laid upon all salt imported into the United States. Mr. H. read the letter of the se-

cretary of the treasury, wherein he mentions salt as being at a much lower rate of duty than in other countries, and that no tax laid upon it could be evaded from its necessity and bulk. Mr. H. added as, in his opinion satisfactory answers had been given to the objections which had been urged against this tax, it was not necessary to say more on the subject.

Mr. Gallatin said the arguments of the secretary of the treasury were excellent fiscal arguments, and went to say, "provided we can get money, no matter how." He said it could not be smuggled, that, said Mr. G. we know; whether the duty was increased, or remained as it was, the people must consume the same. This was true, and the same arguments might be used for taxing the light or the water. Of all the necessities of life, a duty was most easily collected upon salt; and this was the reason which had induced other countries to tax it so heavily; and yet, he said, this was used as an argument for increasing the duty here; but he was not one of those who felt any consolation upon such an increase of duty, that there were other countries where the duty was yet higher.

Mr. G. said, as to any satisfactory answers which had been given to the objections to this tax, he had not heard them; he believed they had not been answered at all; except, indeed, *fullen silence* might be deemed satisfactory answers; if it were, they had indeed been answered satisfactorily.

Mr. G. here repeated the objections to the tax which he had made on a former occasion, viz. that it would operate as a poll tax; that it would fall partially on some districts of country, and upon some classes of citizens more than others. He said salt in that part of the country from which he came was already upwards of four dollars a bushel, and that it would be therefore oppressive to increase the evil, by adding fresh duties upon it.

Mr. Nicholas said a tax on salt was equally objectionable, whether it was considered as a poll tax, or as a tax upon agriculture. As a poll tax, every one would see the injustice of charging all men alike with a tax, without respect to their ability to pay it; as a tax upon agriculture, he was able to say something from experience. He was willing to give all the authority to the opinion of the secretary of the treasury which he could wish, but he could not yield his opinion to him. He knew that agriculture was at present very much depressed, by the high price of salt; he had himself refrained from the use of it, by its dearth, though he believed his cattle had

been the worse for it. The poorer class of citizens in the part of the country from which he came were generally owners of cattle, and employed themselves in taking care of them. These men, he said, found it at present as much as they could do to make a comfortable living, and any additional tax on salt would be very ill received by them. He was satisfied that it was a tax which would operate with great inequality; it was a tax upon one kind of employment, upon an employment which was generally pursued by the poorer classes, and consequently least able to pay it. It might be said five cents a bushel was a trifle; but he said he objected to it from the principle of taking money where it could be got, as, if five cents were now to be added, the same argument would hold for adding another and another five on a future day.

Mr. Holland was opposed to the amendment; he said no article which could be mentioned would bear a greater augmentation than salt, indeed the whole revenue of the United States might be raised from it, because it must be used by every person; but that was no reason why the whole burden should be laid on it: in North Carolina, Mr. Holland said, it was four dollars per bushel, which was sufficiently high without adding to the price, and was always a cash article, and difficult to be had for that: It being an article of absolute necessity, the rich would not pay more, if so much as the poor.

Mr. Rutherford said, he was against this tax for two reasons; the first was on account of its inequality, and the next on account of its odiousness. A tax on salt, he said, was almost like taxing the common air. Farmers were obliged to use large quantities of it for their stock; it rendered them docile and easy to be managed. Indeed it could not be done without; a person was nothing without salt. The price at present was enormous on the frontier, and this duty would add prodigiously to it; for this reason he should give it his flat opposition.

Mr. Findley said, because salt was necessary, and because it could not be smuggled, would not surely be sufficient arguments for increasing the duty upon it. The law of reason, he said, was the law of justice.—Mr. F. gave an account of the progress of this tax. His colleague, Mr. Gallatin, must have been mistaken as to the price which this article bore in the western country. He had himself lately paid *six guineas for six bushels of salt*. Indeed this was considered as the greatest inconvenience in that part of the country, and they could not at present be relieved from it. Providence who

generally bestowed the necessaries of life in a very general manner, had not provided them with salt. And shall we, for this reason, said he, monopolize a revenue upon it? For the same reason would hold good for paying the whole upon it, as a part. He trusted they would not be so unjust to the people of that country.

Mr. Harper said, after all the time which had been taken up in discussing this subject, he would not occupy the attention of the committee longer than whilst he made one or two remarks.

The gentleman from Pennsylvania, Mr. Gallatin, had said that no answer had been given to his objections against an additional tax on salt. He should not enter into a dispute with that gentleman upon what might be deemed an answer; but he believed many members of that House would remember that an answer was given, and probably they might also think it a satisfactory one; at least it was so to one person. The objections brought against this tax, would be well founded, he said, if the whole revenue was proposed to be raised from it; or if it were intended as a substitute for a land tax, or any other great object; if 2 or 3 millions of dollars were wanted from it, then it might be objected to upon good ground: but when 100,000 dollars only were proposed to be drawn from this source, he did not think the objections would hold. Admitting, said Mr. H. that there was some inequality in the operation of this tax, those persons upon whom it fell heaviest, were exonerated from many other taxes which other parts of the country had to pay. They had, for instance, just agreed to increase the duty upon a certain species of cotton goods, of which they would not purchase a single yard.—The present revenue, he said, was 6,400,000 dollars, of which salt pays near 300,000: people on the frontier, who pay for salt are in a great measure exempt from other articles taxed: they purchased neither foreign wines or spirits, high priced dresses nor furniture:—all they wanted was corduroys, &c. which was very unfrequent. If 5 cents per bushel was laid on salt, those persons would have about a dollar a year more to pay, and nine tenths not half a dollar: what could be more easy? Indeed, except the people were told of the duty they would not know it, as its effects would be so trifling.

With respect to the price of salt at Fort Pitt, as a gentleman had observed, it might be high, but was this occasioned by a duty? No, but by the situation of the country.

Ought they not, then, he asked, to devise some species of tax, by which to draw some part of the revenue from the inhabitants of the back country? He thought so far from this being wrong, that justice required it. This subject did not address the understanding, but the sensibility of the house, or perhaps the sensibility of those out of the house.

The objections against the tax which had been urged he thought ought not to have any weight, since it would operate with the greatest equality upon the whole, and there would be safety, propriety and justice in making the augmentation in question.

Suppose two cents were put instead of five, this would raise a good sum, and be very easy.

Mr. S. Smith moved that the committee rise; which was negatived, there being only 25 in favour of it.

Mr. W. Smith said the question had best be taken on blank cents, then five, four, or any number of cents could afterwards be added.

The question was then put and lost.

Ayes 41.

Noes 48.

A motion was then made for the committee to rise and report the resolutions.

Mr. Harper wished the committee to have leave to sit again; as he wished to call up one other of the resolutions which had been referred to this committee; he meant that respecting an additional duty on stamps.

Mr. Henderson also said he wished to take the sense of the committee upon several other articles which had been referred to them; but promised he would not occupy much time in doing it.

Mr. Nicholas said he hoped the committee would not sit again, as the session was so near its close.

Mr. Buck said much time had been spent on the subject, and he hoped no further delay would be made, as it might go to defeat the bill altogether.

On the question for the committee sitting again.

Ayes 33.

Nays 48.

Adjourned.

Saturday, February 18.

An engrossed bill allowing a drawback on distilled spirits exported in vessels less than 30 tons, by the Mississippi, was read a third time, and passed.

Mr. Swanwick presented a memorial of George Smith, and one from John Robertson, praying respectively for the reimbursement of a sum of money which they paid to procure their release from captivity among the Algerines.

Referred to the Secretary of State, to examine and report thereon.

On motion of Mr. Nicholas, it was resolved that during the remainder of the session it be a standing order of the day, that a call of the house shall be had, as soon as the Speaker takes the chair, at the hour to which the house stands adjourned: provided that when a quorum appears the Speaker be authorised to suspend the call.

Mr. Livingston presented a petition of Samuel Loudon, of New-York, praying compensation for sundry supplies furnished Udney Hay, deputy quartermaster for the said state, by order of Timothy Pickering, quartermaster-general of the army of the United States, during the late war.

Mr. G. Jackson presented a petition of William McKinly, praying relief, in consideration of the loss sustained by the petitioner, on account of his contract with Isaac Craig, deputy quartermaster-general, for the delivery of a certain quantity of Indian corn, for the use of the army of the United States, in the year 1793.

Ordered, That the said petitions be referred to the Committee of Claims.

Mr. Murray presented a petition of James Frazier, collector for the district of Vienna, in the state of Maryland, stating the insufficiency of the compensation allowed him by law; and praying that the same may be increased, and rendered more adequate to his services. Laid on the table.

Mr. Sitgreaves called up the order of the day on the bill in addition to the act to provide for mitigating or remitting forfeitures or penalties, in certain cases, under the revenue laws. His object was to move its recommitment, in order to amend the report: which was accordingly done to Messrs. Sitgreaves, S. Smith and Gifswold.

Mr. Nicholas from the committee to whom was referred the petitions of certain retailers of wines and spirits, on the 16th instant, reported. In their opinion the power ought to be vested in the Secretary of the Treasury, as in other cases under the revenue laws.

Referred to be included in the bill just now recommitted.

Mr. Gallatin reported a bill for the grant of certain lands to John C. Symmes and his associates.

Referred to a committee of the whole on Monday.

Mr. D. Foster, from the committee of claims, made a report upon the petition of Robert Ralston, assignee of the estate of the late Thomas Barclay. The said petitioner prays to be allowed for the services of the said Thomas Barclay, as consul and commercial agent of the United States in France, —as commissioner for settling of accounts in Europe, and as a commissioner for negotiating a treaty of Commerce and Amity with the Emperor of Morocco. The committee report in his favour a resolution to the following effect:

“Resolved, that the Accountant Officers of the Treasury be directed to give credit to the account of Thomas Barclay 69,280 livres 17 sous, exclusive of his expences, in full compensation for his services whilst employed abroad in the service of the United States.” Referred to a Committee of the whole on Tuesday.

The house entered on the unfinished business of yesterday, viz. the report of the committee of the whole on farther revenue.

The amendments were read, and that for laying an additional half cent on brown sugar being the first taking up,

Mr. Harper moved to strike out the word *half*, and insert *one* cent. His reason for not proposing it at an earlier period, was, that he had supposed the duty on more articles would have been augmented: that not being the case, it was important that the duty on brown sugar and molasses should be farther increased, to provide for the service of the present, and the deficiency of the last year: the addition proposed might be estimated at 200,000 dollars. Admitting that the revenue of 1796 would be more than that of 1795, with all the savings which could be made, there would still be a deficiency: they ought not, however, to depend on savings, and be satisfied with just enough. Some gentlemen had said that a revenue from commerce was a very precarious foundation to build on; at that time they agreed a necessity for great increase to our revenue, to meet our demands, now they said little, or no addition, with all the savings which might be made was equivalent to our wants. How their opinion came so changed, Mr. Harper could not conceive. The truth was, their former opinion was just, as it respected our wants, and that being the case, and not being to resort to any other, a larger sum than 200,000 dollars ought to be

raised from this, which, with all the savings, he presumed, would be but sufficient. Gentlemen now tell us, said he, there is not the least prospect of a land tax; before, when they had hope, a tax on commerce could not be at all relied on. Those gentlemen's former arguments, and a knowledge of the great want of revenue, had almost prevailed upon him to adopt the idea of a land tax; but now after two or three weeks, seeing the impracticability of that mode, they had abandoned it, and say, we have revenue enough, with the requisite savings! Remaining under a forcible knowledge of our wants, and the precarious state of our affairs, Mr. H. said, he hoped they would not rest with a bare sufficiency, but guard against unforeseen dangers and accidents, by adopting the resolution.

Mr. Dent said that as the house had agreed to the report of the committee of the whole, no alteration could be made without a recommitment. On Mr. Harper's application to the chair, the Speaker read the rule, that no addition could take place in the house, and observed that the gentleman might move it when the bill was brought in. He therefore withdrew his motion.

The resolution as reported, then passed: also, that for laying one cent per gallon on molasses, and nine cents per lb. on sugar candy.

There was a division on the question for laying an additional duty of two and a half per cent on cotton goods.

Ayes 46.

Noes 28.

The duty of two cents per lb. on Bohea Tea, passed without a division.

Messrs. Harper, Davenport, and Henderson were appointed a committee to prepare a bill pursuant to the resolutions.

Here some conversation ensued on the business next to be entered upon: Mr. Parker observed that, as the subject of appropriation was to come forward on Monday, it would be necessary to bring forward the naval business, that the house may know whether to appropriate or not for that object, in the bill alluded to.

Mr. Nicholas was sorry any disputable subject should be introduced into the appropriation bill; this business might have been settled earlier in the session: the inconveniencies were so great that he knew not how they were to be immediately surmounted.

carried.

Ayes 41.

Noes 36.

The house then resolved itself into a committee of the whole on the bill for granting an appropriation for the finishing the three Frigates, and also upon the bill repealing that part of the act which provided for the officering and manning the frigates, both having been committed to the same committee of the whole, Mr. Muhlenberg in the chair. That for repealing a part of the former law came first under consideration.

Mr. Harrison wished the committee to rise, and that the bill may be sent to the Senate.

Mr. Gallatin moved to add the words "or any other acts" so as to read "so much of an act entitled an act to provide a naval armament, *or any other acts* which relate to the officering &c. which was carried.

Mr. W. Smith said he could not abandon the idea of our sometime becoming a naval power; he very much disliked the repealing this act; in order, however, to make the bill more palatable, and to remove some of the embarrassments which the Senate would otherwise have to encounter, he would move to substitute instead of the words "repeal" the words "suspend for _____ years."

Mr. Coit thought the very beginning of the Frigates a wild notion, and hoped the most distant idea of manning them, would not enter gentlemen's minds; he should therefore oppose the motion.

Mr. Swanwick thought if the last gentleman's ideas were just, that it was so wild, whimsical, and visionary a speculation, there could be no danger from its suspension, because another legislature would doubtless see the folly of the project; there was no danger of their being struck with the notion. To restrain the object of these vessels would be only holding up this country to ridicule. Let us not, said he, dictate to future legislatures, but give them power, if their finances should allow it, and they are willing, to use the ships as they please. Why should we hamper them with our forced restrictions. In private life men do not like to be under the forced restrictions of others, and it could not be pleasant for us to assume a power to direct our successors. He hoped it would so be left as not to intrude on their privilege.

Mr. Nicholas said it was not the duty of members in that house to consider what other men in future times may do, but to do *themselves* what was right. He could not conceive how a gentleman who saw it wrong now could believe he could think it right two or three years hence. This was a contradiction to gentlemen's own actions: If it was to be left to the test of experience, it would be best to leave it to a future legislature: The three branches was always competent to any object, and if they saw right could revise it. But it seemed as the gentleman wished to leave it in the power of one or two branches only: this he thought, ought never to be done. What we now do, said he, is no more binding on our successors, than acts of our predecessors on us. He hoped it would rest as in the bill.

Mr. Venable said, it seemed the gentleman who moved the amendment did not think necessary the ships should now be manned. The operation of the amendment appeared to put it in the power of one branch of the legislature, at a future day to man the ships, and send them to sea. He was surprised at the changeableness of the gentleman who moved, and favoured the equipment. When a naval armament was first proposed, it was objected to as looking like forming a naval establishment; they then told us it was expressly to repel the encroachments of the Algerines; and that as soon as peace was obtained with that power, the building of them was to stop: now they come forward and avow a desire to have a naval establishment. Thus originates evils which if not stopped early, would spread and become dangerous. The only fair argument they have on the subject is, that a navy is now become necessary. Certain it is that if they intend to have a naval establishment, to protect our commerce and repel our injuries, three Frigates will be very incompetent to the object. He should not object to finishing them, and only because so much had been expended on them already; but should ever oppose fitting them for sea.

Mr. Swanwick asked the gentleman what security there was in a peace with Algiers? could he say we were at peace with them now? certainly we are in a worse situation with that power now than then: we are parting with our cash, which makes it such a scarce article, and yet we have no benefit. Now it is said it is altogether a vision, a fancy or a dream. Then gentlemen get up and ask what we are to do with three Frigates? He would answer that so far as they went they gave stability and protection to our commerce.

True they were not 30 Frigates, but he believed few as they were, they would save more than 5 times what they cost in only one year. The richest ships we have are now taken and robbed by ever pickaroon, and pirate infesting the seas, because we have no security, and he was surpris'd it was not worse? he had no doubt but it would be an emolument; it would be a protection to the great revenue we enjoy. That very trade, he said, which was subject to spoliation from such petty robbers, paid into the revenue 5 or 6 millions of duty annually. If this was still permitted to be encroached on, it was an error, and it would soon be seen, and this was by a people called "free and enlightened!" He had no doubt they would soon be enlightened enough to see they had done wrong. If gentlemen are against finishing these Frigates, why do they not come forward and declare it? Let us sell them, said he, at public auction; what will be the effect if we have it told at our wharves that we object to man them, because we have peace with Algiers! He hoped they would be manned, or else have tacked to the bill, that when finished, they were to be sold for East-Indiamen, or something. If that was gentlemen's wish, this was the time to come forward and say so, and let it be put in the bill. He would ask was there any thing in the name of government if it operated in this manner? It was extraordinary conduct indeed.

Gentlemen say they will not vote to finish these frigates, except the repeal for manning is included; when it goes up to the Senate, may they not say they will not vote to finish, except it be to man them? But, Mr. Swanwick said, he suppos'd gentlemen depended upon negociation if any thing was wrong. What was the consequences of our late negociation? We have two things before us, *treaty* or *ships*. As for treaty, we have seen our money sent across the Atlantic, and scattered a thousand ways; this was throwing it into the ocean. He had heard of an Asiatic throwing a ring into the sea to marry it: it seem'd this money was gone for the same purpose, and its use would be no better than the Asiatic's ring. He thought the most compleat treaty was, power to resist aggression. This business of negociation is very unprofitable: you may obtain fair promises from foreign ministers, but very poor redress, if any; the merchant may then go home and say he has been robbed, but can obtain no redress from any nation; part of his property is in the West Indies, in the hands of a people without controul of law; this indeed is the situation of the whole French Republic at present in that

country. Yesterday, said Mr. S. I heard you voting a tax on sugar: Where does that article come from? From the French West India colonies mostly. You go on laying a duty on that article which even one frigate would protect from spoliation, and yet refuse to appropriate that very duty towards its protection. He did not think any French or English ship of war would attack our frigates while at peace, but his wish was to protect the commerce from those drawbacks. As he read in the constitution that Congress had the power to protect commerce, and as he found gentlemen voting millions for the military establishment, he should hope the object of naval protection would obtain. He agreed with the amendment, as it was better to suspend than repeal, as the power of manning them would then remain with a future Congress.

The question on the amendment was put and lost.

Ayes 30.

Noes 51.

Mr. Harrison moved for the committee to rise and report the bill without amendments.

Mr. Hartley hoped it would not. As the frigates would not be finished before next session, if it was proper to man them, or suspend it, that house would be best able to judge.

Mr. Parker hoped the committee would not rise, but that the other bill may be taken up, that they may go hand in hand.

Mr. Nicholas said it seemed, that gentlemen were making a new business of this. At the time it was brought forward gentlemen voted in favour of it because the law was to be repealed. He voted to separate the bills, because he conceived it would not be right to say to the Senate, You shall do two things together, or neither. He hoped the committee would rise, that the house may not have such power over the business, as to keep it back. If the other bill pass the Senate, said he, we can take up this, and pass it in a short time.

Mr. Parker thought this a most extraordinary procedure, to say we will not pass the appropriation bill, until we know that the Senate have agreed to that for repealing. He thought the Senate had as great a right to exercise their discretion as that house. He never expected to have heard such expressions. This was holding out a *dictum* for their conduct; this he thought neither fair nor proper.

Mr. Venable thought the bills were connected. He wished to vote merely for finishing the frigates. He hoped the com-

mittee would not rise, but that it might be so amended as to add the other bill to it. When he voted for the appropriation, he said he voted for it only in such manner as should be reconcileable with his judgment. If the gentleman would wave his motion and the house would so connect it, he should be gratified.

Mr. Harrison said, as the last gentleman's ideas were fully to his purpose he should withdraw his motion.

On motion being made for connecting the bills,

Mr. Buck hoped it would not prevail. The only reason he saw to object, and he thought that very forcible, was, that it discovered a jealousy in that house to another branch of the government, which he thought very unjustifiable. He had voted for the repeal, but should not vote for the appropriation. He thought they ought to act for themselves, without a view of the other branch, any member may vote which way he pleased, but to say he would not vote for one without they go together, was unfair. He could see no justice in such a mistrust from this branch of the legislature. Suppose, he said, the bills go to the Senate separate, they may concur in the appropriation, and reject the repeal: even in that situation, were it to be left, the executive could not man the frigates, unless they could obtain farther appropriations, to obstruct which would be preferable, and would put it out of the power of the Senate to embarrass this house.

Mr. Venable said his vote was given without any relation whatever to the Senate: he thought any act passed by this house could not, when sent up to the Senate be termed disrespectful, for each branch had a right to act for themselves. He was surprised to hear the gentleman last up, say he should not vote this appropriation, for he had heard him say, on a former occasion that he would vote an appropriation for any treaty, law, or whatever should exist to call for it. Mr. Venable confessed himself to be of a very different opinion, for he always thought the house had a discretionary power to grant it or not, but that gentleman had long said, it had none.

Mr. Buck said, as his doctrines had been called in question, he must beg indulgence to explain. He never said that the house had not a right to judge on the propriety of appropriation, in an existing law: he conceived a treaty quite another thing: The President and Senate have a constitutional power to make a treaty, in that he said, he did advocate that that house had no right to withhold appropriations: but in laws, where the power of making rests partly in that house,

they had a right to grant or withhold. This, he said, he had always held.

Mr. Nicholas said, this appeared to him a very unreasonable clamour in behalf of the Senate. The gentleman last up seemed very careful not to awaken the jealousy of the Senate, how could he know what part would awaken that idea of disrespect? He had formed his mind to vote on the subject, and surely every member might do so without a fear of showing disrespect to another branch. The gentleman had said, that this house may refuse to appropriate for a law: now suppose the Senate refuse to repeal without we appropriate, we then are forced to choose one of two evils. Very often Mr. N. said, the house were obliged to appropriate for a law, it may be so far executed that they could not refuse. Suppose the President should, after this, appoint officers to enlist men for the frigates, how could the house refuse to pay them? While a law existed to man these ships it would be difficult to prevent it: it would enable those who were friendly to the measure, to carry it into effect. He hoped therefore, the house would not run the risk, by leaving it open to such possible intrusion.

Mr. S. Smith thought this was a very unfair way of doing business, but he had been used to such things. He thought this form of *tacking* was very improper and unfair. It had been observed, that we were *the most free and enlightened people*, but he thought those who advocated these measures proved the very contrary.

Mr. Swanwick said, it appeared to him a kind of legislative stratagem, the whole intention of the business could be easily discovered; if there was nothing improper why should they fear to trust the Senate with it: having the yeas and nays on both bills, gentlemen could not easily excuse themselves for voting for the repeal, as it would go out into the country that many had voted contrary to their arguments, thus we are forced to vote against our own opinion, or not have the frigates finished. He could plainly see that gentlemen meant to defeat the object, and he thought in a very unfair way.

Mr. W. Lyman spoke much of the impolicy and impropriety of the measures of those gentlemen who supported naval preparations; some time back, he said, those very gentlemen were advising us to cultivate our land, and not regard commerce, it was a broken reed to depend on; but now they want to put the nation to an enormous expence to protect that commerce they thought so lightly of. The frigates would

cost more than double the money which was at first estimated, this would be a disgrace to any nation: the whole process of the business had been bad, and he had no doubt but the estimate now before the house would be found deficient: though he thought a small navy would be useful, yet until he saw its process conducted more fairly, and with more discretion, he should not vote a shilling to it, for the waste of money which had been discovered in this, had given him a distaste to it.

A remark having fallen from Mr. Lyman, on the constitutionality of this appropriation,

Mr. W. Smith said, that what the gentleman observed, only respected the army; the constitution says, an appropriation for the army shall not be made for more than two years; but it said not a word about restricting a navy, and it is certain that the framers of the constitution had a view to a navy, as in three different parts it makes mention of it. [Here Mr. Smith read those parts from the constitution.] The question was not whether to repeal the law or not, but whether the appropriation bill was to be *tacked* to the repeal. When before taken up a majority voted for two bills, and they are accordingly reported, and now the two are to be united: this, said he, is directing the Senate to vote a certain way because this house saw it right. This was a kind of coercion which would oblige them, (if they support their independence which they certainly will) to reject the repeal. This, he said, was a spirit which every gentleman in the house felt. He therefore hoped there would be two bills.

Mr. Gallatin did not conceive this a question on the constitution—it was not on the power of the House as to the subject of appropriation, but merely on connecting the two bills. He conceived it perfectly right and proper to connect them, because the subject of them was the same. It was not novel: appropriation and repeal had before been connected. Indeed he thought it improper to hold the senate in any consideration at all. He should not be guided by any apprehensions of what they would do. The gentleman last up had said, it was unfair to connect them, as it would oblige members who opposed one, to vote for both: now a majority will always decide, and those in the minority will always be affected. That gentleman would rather take a question on each. Mr. G. said he would rather on both together; but both will not be material more than in a certain degree. He farther observed that a decision had been come to, to

keep the subjects apart: this, Mr. G. said, was only in order to give leave to the committee to report one or two bills; but that could not now affect the decision: the House might now do as they pleased. He looked upon the first act of the law as rather explanatory of the other: A law passed last year for the equipment of the frigates; the first law expired, as to the manning them; it is therefore only for fear the word "equipment," should be so construed as to mean "manning" that we wish a connection of these bills.

He thought it more candid and fair, to have both the objects before the Senate at one time, than to separate them. If they think it an attack upon their privileges they would act consistent therewith.

Mr. Williams could not see where the difference was, whether the bills were apart or not. He was sorry any jealousy should be discovered towards another branch; if the amendment were to go to the Senate they had power to reject any part. The next Congress would take a view of the subject, and do what they thought right, as the frigates would not be fit to be manned till then.

Mr. Buck again repeated his objections to uniting the bills.

Mr. N. Smith thought there could be no good reasons for uniting the bills. There had not yet been any appropriation made, and the money was nearly expended, he tho't the appropriation should be passed immediately, as he had no doubt but both houses would ultimately unite to this object. If, therefore any money was to be appropriated, let it be done, and then if the House thought proper to agree to the repeal, it could be done, as no delay ought to be made.

The gentleman from Pennsylvania, Mr. Gallatin, said the other day, that he would not, under any situation, vote the supply until he knew whether there was any intention to fit them for sea or not. This, Mr. S. thought, the principal point; but except that gentleman, with others, thought the ships were to remain in the same situation as at present, it certainly was necessary to agree to the appropriations, this was voted on all hands, though some could not agree to go all lengths. He did not believe many could be found in the house who would wish them to remain and rot on the stocks: but for gentlemen to say they would not agree to grant the supply except the other part was repealed, he thought wrong. It was true, they had the power to withhold even appropriations for the President's salary, Senate, &c. but if

such opposition was supported, government could not long exist. That house had power over the Senate, and, *vice versa*, the Senate over that House,—each had a right to think and do as they pleased, but it would be wrong in one to curtail the privilege of the other by an ill-timed opposition, this was merely to show a spleen which could not but be to the detriment and delay of business.

Mr. W. Smith rose to answer some observations made by Mr. Gallatin and Mr. Venable, and proceeded to shew the impropriety of tacking the bills: he said it would produce insurmountable difficulties. He never could agree to this *tertius discordans* being sent up to the Senate.

Mr. Venable answered. The question was then put for tacking the two bills, and carried.

Ayes 41,

Noes 36.

The Committee then rose, and the House took up the amendments reported by the Committee of the whole; when

Mr. W. Smith said, as the question would first be taken on the amendment and then upon the resolution as amended, a member who wished to vote for the finishing of the frigates, but not for the repeal, would not have an opportunity of shewing his sentiments by the Yeas and Nays. In order that members who thought with him might have an opportunity of shewing their vote, he called for the Previous Question upon the proposition.

The Speaker declaring that this motion was not in order, Mr. W. Smith called for the Yeas and Nays upon the amendment.

Mr. Sitgreaves said, rather than not obtain an appropriation for finishing the frigates, he should vote in favour of the amendment, though he was of the same opinion with the gentleman from S. Carolina, Mr. W. Smith, as to the unfairness of the proceeding.

Mr. Dent was of the same opinion.

Mr. Muhlenberg said, as the amendment stood annexed to the other bill, he should vote against it; though if the subject had continued in a separate bill, he should have voted in favour of it.

The question was then taken by Yeas and Nays as follow:

Y E A S.

Theodorus Bailey,
Abraham Baldwin,
David Bard,

Matthew Locke,
Samuel Lyman,
William Lyman,

Thomas Blount,
 Nathan Bryan,
 Demsey Burges,
 Thomas Claiborne,
 John Clopton,
 Joshua Coit,
 Isaac Coles,
 William Cooper,
 Henry Dearborn,
 George Dent,
 William Findley,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Albert Gallatin.
 Ezekiel Gilbert,
 James Gillespie,
 Christopher Greenup,
 Henry Glen,
 Andrew Gregg,
 Carter B. Harrison,
 John Hathorn,
 Jonathan N. Havens,
 James Holland,
 Andrew Jackson,
 John Wilkes Kittera,
 George Leonard,
 Edward Livingston,

Samuel Maclay,
 Nathaniel Macon,
 James Madifon,
 John Milledge,
 Andrew Moore,
 Anthony New,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 John Patten,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Samuel Sitgreaves,
 Tompson J. Skinner,
 Jeremiah Smith,
 Israel Smith,
 Isaac Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 Zephaniah Swift,
 William Van Cortlandt,
 Joseph B. Varnum,
 Abraham Venable,
 John Williams, and
 Richard Winn.

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Those who voted in the negative, are,

Theophilus Bradbury,
 Daniel Buck,
 Samuel W. Dana,
 James Davenport,
 George Ege,
 Abiel Foster,
 Dwight Foster,
 Chauncey Goodrich,
 Roger Griswold,
 Robert Goodloe Harper,
 Thomas Hartley,
 John Heath,
 William Hindman,

Francis Malbone,
 Frederick A. Muhlenberg,
 William Vans Murray,
 Josiah Parker,
 John Reed,
 Samuel Sewall,
 Nathaniel Smith,
 Samuel Smith,
 William Smith,
 John Swanwick,
 George Thatcher, and
 Peleg Wadsworth,

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The bill was then recommitted to a Committee of the whole in order to have the blank for the sum to be appro-

priated for finishing the vessels, inserted, and was filled with 172,000 dollars.

Mr. Gallatin reported a bill in addition to an act for making appropriations to satisfy certain demands on account of the late insurrection, and to increase the compensation to jurors and witnesses. Referred to a committee of the whole on Monday.

The House went into a committee of the whole on the bill in addition to an act for recording and registering vessels, and to an act for enrolling vessels employed in fisheries. Agreed to, and ordered to be read a third time on Monday.

On motion of Mr. W. Smith, the galleries were cleared, in order to go into the unfinished secret business of the other day. Adjourned.

Monday, February 20.

The bill for regulating the registering of ships and vessels, &c. was read the third time and passed:

As was also the bill for completing the Frigates, and for repealing that part of the former act which related to the officering and manning the vessels.

Mr. Harper reported a bill for laying certain additional internal revenue, which was committed to a committee of the whole; but he afterwards moved to have it recommitted, in order to make some alterations therein, which was agreed to.

The House then resolved itself into a Committee of the whole, Mr. Muhlenberg in the chair, on the report of a Select Committee on the propriety of making certain alterations in the law providing for the sale of certain lands North-West of the river Ohio. The Committee recommended the adoption of a resolution to the following effect:

“Resolved, that the act entitled an act providing for the sale of lands of the United States in the territory, north-west of the river Ohio, and above the mouth of Kentucky river, be so amended, as that only one-fifth of the purchase-money for the same shall be required within thirty days, and that the rest be paid by four equal annual instalments.”

A motion was made to strike out one-fifth and to leave it a blank, which was negatived.

Mr. Van Allen next moved a provision for dividing the quarter township lots into lots of a mile square. This motion was supported by the mover, Messrs. Williams, Henderson, and Findley, on the ground of accommodating real settlers, because it appeared that the large lots would not

sell, and because the land would be likely to be disposed of for a higher price if sold in lots purchasable by farmers and persons who bought with an intention of cultivating. It was opposed by Messrs. Cooper, Nicholas and Kittera, on the idea that the land would never be purchased or settled, except through the medium of monied men; that they would first purchase the land in large lots, and then parcel it out to real settlers; and that though farmers gave a greater price for the land in this way, it would eventually be better for them, since the monied man would find himself interested in getting the whole of his tract settled as soon as possible, and thereby greatly enhance the value of the property; that except this plan was adopted settlers would choose here and there a lot of the best land, and the remainder would lie on hand.

The motion was put and negatived.

The original resolution then came under consideration. It was supported by Messrs. Nicholas, Cooper, and Gallatin. It was urged that the additional time given for the payment would induce monied men to embark their capitals in the purchase of this land; that if it were not soon disposed of, persons who had no authority to do so, would get possession of it, and there would be great difficulty in removing them; and that it was necessary to make the proposed amendment, in order that the terms might be as eligible as those held out by any of the States which had got waste land to dispose of. It was opposed by Messrs. S. Smith, Coit, Harper, and Venable. It was said by them, that it was probable that nothing more would be received of the purchasers than the first deposit, if so long a credit was given; that it would create an host of enemies to government; that when the time of payment came, instead of money, they should have petitions sent in for a prolonging of the time of payment; they would, therefore, rather prefer a lowering of the price than an extension of credit.

The resolution was put and negatived, there being only 24 votes in favour of it.

Mr. Gallatin then proposed that the public stock should be received in payment for the land at its full value. The scarcity of money at present, he said, had reduced the value of the public stock, and it would therefore afford an advantage to purchasers, and no disadvantage to the United States, since they could never expect to pay off their debt at less than the full value. If any foreigners who were in posses-

sion of the public stock of this country chose to convert it into land, it would be an easy way of paying off our debt. In this case the land would pay the debt immediately, and the money could not otherwise be appropriated. He, therefore, proposed a resolution :

Resolved, That the evidences of the public debt of the United States, shall be receivable in payment for all the lands that may be sold after the day of next ; the six per cent. stock and foreign debt to be received at their nominal value ; and the rate at which the other species of stock shall be received, to bear the same proportion to their respective market prices, as the nominal value of the six per cent. stock shall, at the time of payment, bear to its market price.

Mr. Coit was against this measure as reducing the land 20 per cent. in the price.

Mr. S. Smith was in favour of the resolution, but wished it to extend to all money due for purchases already made, otherwise those persons would have reason to complain of being more hardly dealt with than others. This motion was seconded by Mr. Heath. It was objected to by Messrs. Nicholas, W. Smith, and G. Jackson, as unreasonable, and what could not be expected ; they had agreed to give the price for the land which had been bargained for, and having had a choice of the best of it, it was probable that they had made very advantageous purchases ; and that it was probable, from the public debt being taken in payment at its full value, the land which might be sold in future, would command a proportionably higher price.

The amendment was put and negatived, and then the resolution was put and carried.

The Committee then rose, the House agreed to the amendment.

Ordered, That a bill or bills be brought in pursuant to the said resolution ; and that Mr. Nicholas, Mr. Nathaniel Smith, and Mr. Bard, do prepare and bring in the same.

A petition of Thomas Butler, and others, was presented to the house and read, praying that a re-survey may be made of certain sections and fractional parts of sections of land, purchased by the petitioners, in the several ranges of townships lying on the west side of the river Ohio, in the north-western territory, and which, upon actual measurement, are found to be deficient in the quantity mentioned in the plat of

the said sections, and the advertisement of the Secretary of the Treasury, relative thereto.

Ordered, That the said petition be referred to the committee last appointed.

Petitions from John Black and William Erwin were presented by Mr. Locke, praying relief for services rendered. Referred to the committee of claims.

On motion the committee of the whole was discharged from the pension bill, and the bill recommitted.

A report was received from the Secretary of War, containing a list of Invalid Applicants, and referred to the committee of claims.

Mr. Dwight Foster, from the committee of claims, made a report on the petition of Reuben Colborn, which was against the petitioner, Referred to a committee of the whole tomorrow.

Mr. W. Smith said, from the delay which had taken place with respect to the Military Establishment, they had been prevented from making the necessary appropriations for that object; as the session was drawing to a close, it would be necessary to follow the plan adopted last session. He therefore proposed a resolution to the following effect:

“ Resolved that a sum not exceeding dollars be appropriated for the expence of the Military Establishment for the year 1797.”

This resolution was twice read, and the house immediately went into a committee of the whole upon it; reported it without amendment, and it was referred to the committee of ways and means to report a bill.

On motion of Mr. W. Lyman, the house resolved itself into a committee of the whole, Mr. Muhlenberg in the chair, on the report of the committee appointed to enquire into the actual state of the Fortifications of the ports and harbours of the United States, and to report whether any, and what provision was necessary to be made on the subject.

The report having been read,

Mr. W. Lyman, the chairman of the committee, said the committee had not reported a resolution, as they were uncertain whether it would be the wish of the house to do any thing towards the completion of the works at New-York. Perhaps it would be well to have read the account which accompanied the report of the works at New-York, which they had received from the board of commissioners and the engineer. [The clerk here read the accounts, by which it appeared that the fortifications on Governor's Island, would

require 30,968 dollars to complete them; those on Bedloe's Island 60,000, and those on Oyster Island 1,000 dollars, making a total of 91,968 dollars]. Unless regard was had to New-York, the 23,394 dollars reported as necessary, would be sufficient to finish some necessary buildings and complete certain works, indispensable to their defence and preservation.

Mr. W. Smith said, as no resolution had been produced, he would move one; he moved the following—

"Resolved, that the sum of _____ be appropriated for the purpose of fortifying the ports and harbours of the United States."

Mr. Smith said, the representation of the state from whence he came had received a communication from the legislature of the state, which they conceived it their duty to lay before the house, and which shewed the necessity of fortifying the harbour of Charleston, more than any thing which had been heretofore done. [He here read the communication which they had received.] The governor wrote that the only fort they had, was nearly carried away by the undermining of the sea, and unless some repairs were soon made, would be entirely swept away. Another fort had been projected, to be placed on Sullivan's Island, but the situation was not found to be a proper one, the foundation only was laid. Shooter's Mark was the place contemplated as the proper situation for a fort to protect that harbour.

As they were upon the subject, he would observe, that if it was their object to preserve the peace and neutrality of this country, it was necessary to have our sea ports well fortified; whereas at present, vessels of war which come into the port of Charleston, might violate our neutrality with impunity. And if at any time, government should think it necessary to lay an embargo, they could not do it, except our harbours were better fortified than at present. Mr. S. thought, therefore, a liberal sum should be granted for this object. He should move that 50,000 dollars be appropriated for this purpose.

Mr. Dearborn wished to know, whether, in conformity to the act for that purpose, the island at Charleston, or the islands of Governor, Bedloe and Oyster, at New-York, had been ceded to the U. States; he believed they were not. Money had been refused for the fortifying the harbor of Boston, because she declined to cede the soil to the United States. He should suppose, therefore, before much more money was advanced to

either of these places, it should be seen whether there were not other places equally entitled to assistance, and which had not yet received any. He saw no good reason why New-York and Charleston, should have large sums expended upon them, any more than Boston. He had no objection to fortifying our ports in the way proposed by law; though he did not understand that it was the wish of that house to fortify them in the same way as if we were at war. The state of New-York could not have contemplated more extensive works, if we had been actually engaged in war. At Charleston, it seemed as if it were the intention to erect works not only to keep off single vessels, but to defend themselves against any naval force. How far the committee might judge this necessary, he could not say; but, before they went on to expend any more money he wished to know whether or not the cession had been made.

Mr. Livingston said, it appeared to be the opinion of the gentleman from Massachusetts last up, that nothing more should be done for the harbours of New-York or Charleston, until cessions of the soil upon which the fortifications stand, were made to the United States; but, in his mind, there appeared strong reasons why these cessions should not be made. The different states held them until they saw whether Congress would do any thing for them. The state of New-York held three islands, which they thought capable of defending the city. They were asked why they were not ceded? He would answer, because Congress seemed inclined to do so little towards the erection of these works, not having contributed more than would place one tenth part of the cannons necessary to defend them; and, if it were not for the exertions of that state itself, that city would be left defenceless. What, said he, would be the situation of this place, if the islands had been ceded to the continent, and the continent should refuse or neglect to defend it? The state having given up the power, they could not provide a defence for themselves, but they and their posterity would be left perfectly defenceless. He therefore, not only thought the state of New-York had acted wisely, but that it would have been madness to have done otherwise; nor did he think it a sufficient reason for Congress to withhold its support, because that cession had not been made. The state of New-York had done more he said, than any other state in erecting fortifications; the state had expended a great deal more money than the continent on this object. The business had been carried on by commissioners appointed

by Congress in conjunction with those appointed by the state, with the greatest harmony, and therefore no objection could now fairly be brought against the plan of the works.

He therefore hoped, that a city from whence so much of the revenue of the United States was drawn, would not be refused a sum towards the completion of her works, and that even a larger sum would be appropriated than had been mentioned.

Mr. Dayton, the Speaker, said he was opposed to filling the blank with 50,000 dollars. He believed that too much money had already been thrown away for the purpose of fortifying posts and harbours, and to very little advantage. As to the harbour of New-York which seemed to be one principal object of this expenditure, he should take the liberty of repeating what he had declared on the same occasion last session, that the city could not be protected from hostile invasions from the sea, by the works on the three islands in the bay. A single ship of war, taking advantage of a fair wind and tide, could pass them in proud defiance and lay the city under contribution. The narrows were, he owned well calculated for the erection of works to afford complete protection, but the expence would be great. He was not in favour of granting a shilling more than would be absolutely necessary to prevent their going to decay, until some judicious and skilful persons had been named to visit and inspect all the harbours of the United States, and report as well the proper places for forts, as the plan or scale, and expence of building. Congress should have before them the whole estimate in one view, and then decide to what extent they would go, and whether it would not be better to complete one fortification at a time, beginning with the most important, rather than to divide a sum amongst ten or fifteen, all of which would be in an unfinished state, and require annual appropriations to preserve them from falling into ruin, to which many were much exposed.

As to West-Point, the importance of which is to preserve a communication between the eastern and middle states in case of war, could not be questioned, it was provided for out of another fund, under its appropriate head. No fortifications therefore but those of exposed posts were contemplated, and from some representations which had been made, it appeared that it would have been better to have thrown the money into the sea, than to have expended it in bringing together and piling up materials, which had in some instances,

served rather to choak up the channel than protect the places.

Mr. Dayton concluded with declaring, that he had also an objection arising from a neglect in some states to make a cession to the Union, of the islands upon which they were called upon to erect fortifications at the general expence. This ought certainly to be done before the United States made any further appropriation, or at least it would be proper to except from the benefits of it, such states as had not passed acts of cession. He should at any rate vote against the motion for 50,000 dollars.

Mr. Williams was sorry the gentleman should be against the resolution altogether; if the committee would not consent to appropriate money to finish the works at New-York, he trusted they would grant such a sum as should prevent them from going to ruin. All that had hitherto been appropriated, he said, would not build barracks sufficient for the soldiers lying in New-York. That state, seeing Congress were not disposed to appropriate money for defending the city of New-York, appropriated two hundred thousand dollars, for building the fortifications in question, and protecting their frontier. They had expended a great deal of money on these fortifications, which had been laid out by an engineer appointed by the United States, in conjunction with commissioners appointed by that state. It might be supposed, therefore, that they were not wholly useless.

But, said Mr. W. admitting the gentleman to be right, and that the Narrows was the only place for erecting an effectual fortification for that port, ought they not to appropriate money for that purpose? Which was the proper time for doing this? Should it be done in a time of peace or war? He believed in peace; peace was the season to prepare for war. Besides, when they reflected that all the money which had been expended would be lost, if a sum was not appropriated either to finish or keep the works in repair, they certainly could not hesitate a moment.

Mr. W. said, he was himself formerly of opinion, that it would be ineffectual to fortify the islands in question; but he was now convinced that those fortifications would be a great protection to that city, which was of so great importance to the Union, as to pay four-fifteenths of the whole revenue of the United States. He hoped, therefore, that 50,000 dollars at least, would be appropriated. The Secretary of the Treasury had reported 23,394 dollars as wanted, to put the forts already begun in such a situation as not to go to decay;

it became them, therefore, to be careful that money was voted for the purpose.

Mr. Sherborne never conceived it was the intention of the United States to spend money in fortifying places which were not ceded to them. It would be the height of imprudence to do so; but it was quite otherwise with respect to those places which had ceded the spots upon which fortifications were erected, since they had given the power from themselves of doing the business, and therefore the United States were bound to do it for them, otherwise such individual states put themselves in a worse situation than they were in before the cession. It was understood, at the time the law was passed, that the United States should completely fortify those places which made cessions to them; therefore, though he should be against doing any thing for those ports which had not made the necessary cession, he should be for supporting those who had.

Mr. Havens said, the observations of the gentleman from New-Jersey, Mr. Dayton, last year, which he had now repeated, went to shew the fortifications now erecting on the New-York islands, would be of no kind of use, or very little. The propriety of the observation, he said, would depend upon the force brought against that city. They might not be sufficient to defend the city against a large fleet; but he believed they would be useful in defending it against three, four, five or six vessels of war; for he did not believe the largest force of these would easily lay the city under contribution, when these fortifications were connected and manned, and in a proper state of defence.

When they took into consideration, Mr. H said, the business of fortification, they must calculate the expence and the force likely to come against the forts to be erected. The gentleman from New-Jersey had said, the only place for security, was the Narrows; but to build a suitable fortification there, would cost from 2 to 3 millions of dollars, which was a sum of money, he believed, which would not be granted, either by the general government, or by the state of New-York. A fortification upon this large scale, was therefore out of the question; as to make it, would require an island to be raised in the channel, and a fort on Staten Island, and even then it would be in the power of a force sufficiently large for the purpose to take the city. He thought, therefore, that the objections to the fortifications now partly erected, had not all the force which the gentleman who

made them seemed to think they had. He believed they were in the best possible situation for defending the place against 2, 3 or more ships of the line.

With respect to the cession of the jurisdiction of this place, he believed the state of New-York, though it would in some degree be inconvenient, would gladly make the cession, provided the general government would do any thing towards completing the works, which were so far advanced; but it was generally believed, that all which had been said about the cession of these islands was more a pretence than any thing else; and if this were granted, then objections would be brought against the situation, and no money would be granted to complete works, which they would say would be of no use when completed. Not having confidence therefore, that government would do any thing effectual, they were not disposed to make any cession; nor did he believe, if the cession was made, they would do any thing for them.

Mr. H. was of opinion that the government of the United States should be candid with them. If they could not spare the money, they should say so, and make this the ground for not coming forward in the business, and not plead the want of a cession of the land as the cause. Whenever Congress were disposed to grant them money for completing their fortifications, there would be no scruple to make a cession of the soil. For his part, he should vote for the sum proposed, in order that government might do something more than they had done for the security of the Ports and Harbours of the United States.

Mr. Nicholas said, the report gave some account of what 23,394 dollars were wanted for, but he did not know what the 50,000 dollars were to be expended in. They ought to know, he said, how far discretion was to go in the expenditure of it, and also what might be likely to be the extent of the demand. They went on giving by little and little, in a manner, he thought, scarcely consistent with their duty. They knew there were many claims upon them. New-York had a claim; they were told that city might be completely defended for two millions of dollars. But he believed they were not in a situation to encounter such an expence, and therefore that it was not their duty to undertake it. If they were to agree to appropriate the 50,000 dollars, they knew not what sum they should be pledging themselves hereafter to find; before they entered into the expence, he wished to know something more about it. He believed it might be

proper to prevent any works going to decay which had been erected; but before he entered upon any business, he wished to have some estimate before him. He should be for voting for the sum reported, but should not wish to go any further, until he had more information on the subject.

Mr. W. Lyman said, with respect to the cession of the soil upon which different fortifications were erected, he believed the United States had a right to make fortifications where they pleased, whether a cession was made or not, in the same way as they had a right to make a public road through private property. All the advantage of cession arose from its giving to the United States exclusive jurisdiction; but, in a variety of instances, the United States had taken cessions qualified.

With respect to the sums already expended, he was far from thinking with the gentleman from New Jersey, Mr. Dayton. He thought the works at New York very well calculated for the defence of that city; as it would be out of the power of any small number of vessels (as had been justly stated by Mr. Havens) to annoy that city. He would not say the defence was complete; he believed it was not so complete as if the fortification had been made at the Narrows; but, as far as it went, the works were executed in a manner which did credit to those concerned in the execution, and was an honour to the state.

With respect to the fortifications of other places, he believed there were only one or two instances in which a cession had been made of the property. Mud Island, in the Delaware, and he believed Baltimore, had been ceded; but these were all that he knew of. He should, however, be against voting for any larger sum than reported by the secretary of war as necessary, viz. 23,394 dollars; except they were to determine upon completing the fortifications at New York; in that case, he should be for a larger sum. He believed completely to fortify New York, would cost three millions of dollars, and perhaps not less than ten millions for all the other parts of the United States. He supposed they should not think of engaging in so extensive a business at present.

Mr. W. Smith said, he had moved to fill up the blank with 50,000 dollars; because it was necessary to keep the present fortifications in repair. Great part of that sum, he said, would be wanted for Charleston alone, and the committee had reported upwards of 23,000 dollars as necessary for other purposes. He believed their information had not

been so complete as it should have been ; if it had, they would have found 50,000 dollars at least necessary. Great sums of money, Mr. Smith said, had been expended in gaining experience ; but having learnt wisdom therefrom, in this respect, he trusted it would be of future service. He believed it would be found necessary to fortify all the ports of the United States ; Charleston was very deficient. The summer before last, he said, a French sloop of war came in there, and committed some disorders, and though they attempted to stop her, she bid them defiance and sailed away. Indeed any vessel of war might come in there, and commit depredations with impunity ; they had no means of preventing them. He believed they ought to go much farther ; but he knew the temper of the house was against voting large sums for this business ; this sum he conceived, however, to be absolutely necessary to preserve the little fortifications which they had from going to ruin. Indeed, if 20 or 30,000 dollars were not appropriated for the purpose of repairing Fort Johnston, it must be entirely destroyed. And though this fort was a sufficient defence against small vessels, yet it was not calculated for a permanent defence. Shooter's mark was the proper place for making an effectual fort against the power of large vessels. He hoped, therefore, that when they agreed to this sum, they should go on to authorise the president to appoint commissioners to enquire into the proper sites for forts throughout the United States, in order to effect a complete defence of the Union.

With respect to the fortifications at New York, he thought them upon a noble scale, and that it would be disgraceful to the United States to suffer them to go to ruin ; but the port of New York was in a better state than that of Charleston ; it was true the state of New York had done much, but they were able to do it : Charleston had also done something, they had expended 20,000 dollars, yet their harbour was in a very defenceless state:

Mr. Coit wished to know what was become of the 20,000 dollars, which were last year reported as unexpended. It was then understood that that money was to go to the protection of New York and other fortifications. He was doubtful whether more was wanting. He believed they undertook too much. He believed the business of fortification was begun radically wrong. It was not in our power, he said, to provide for so many forts at present ; besides, the works were made vastly too extensive, and required forty times the

money that Congress had an idea of appropriating to them. He believed they had better let the works go to ruin, than appropriate more money to the object.

Mr. W. Smith said, it was to be regretted that the gentleman from Connecticut had not been in congress when this business of fortification was agreed upon. Every thing would doubtless then have been right; but it would always be the case, that young members would think their predecessors had done wrong. It was thought, at the time, the best plan that could be adopted.

Mr. Coit could inform the gentleman from South Carolina that he had the honour of being a member of that house when the business of fortifications passed. He believed himself as liable to mistake as he believed others; he was now satisfied he was mistaken on that subject, and he believed a majority of the house was also mistaken.

Mr. Gilbert said, if it was a good reason now for refusing an appropriation to the works at New York, because the islands were not ceded to the United States, the same reason would have held good heretofore. He did not believe it was then founded as an insuperable objection; nor did he believe there would be any difficulty in gaining a cession of the territory, provided the United States were inclined to give the assistance wanted to finish those works.

Mr. Baldwin said the matter was plainly before them in the report of the committee. The balance wanted appeared in the statement of the secretary of war. The whole sum necessary was divided between the forts which were garrisoned, and those which were without troops, and amounted to 23,394 dollars. He said he was upon the committee on a former occasion, and he believed there was sufficient information before them upon which to form an opinion. He was on the first committee on the business of fortifications, and was at that time against going into it, thinking their then difficulties might pass over without taking these measures, and that it would have been better to have appropriated the money for the payment of the public debt. It was however carried.

He was of opinion with gentlemen who thought care had not been taken in the expenditure of the money appropriated for this object. He believed it was a misfortune that we had not had a better engineer; there might have been some bad judgment; and, if the business were now to be done, it might doubtless be improved, and whether there were too

many undertaken must be determined by that house. In the fortifications at New York, he believed there would be found no defect in the plan; they were going on with a complete plan, and the work was executed in a very durable manner. It was a business, he said, which might take fifty years to complete it.

Mr. B. said he should vote for the sum of 23,394 dollars, which was intended only to keep the works from getting worse; if more was given it would go to a new object. The engineer and commissaries from New York wished much for 30,000 dollars in addition, for making a parapet to Governor's island; they thought not to have this parapet was a burlesque upon fortification. The committee, however, recommended nothing but what was intended to prevent the works going to ruin. There was no provision for Charleston in this estimate; indeed, if they could have brought themselves to have agreed to recommend any thing further, it would have been the 30,000 dollars above mentioned for the parapet.

Mr. S. Smith agreed with the gentleman from Connecticut (Mr. Coit) that the business of fortifications was begun radically wrong; too many forts had been undertaken, and they were undertaken on too large a scale; but this was no reason why they should be suffered to go to decay. Some good had been done. He thought he had taken care that the fortifications at Baltimore had not been too large. However, the engineers engaged in that business seemed not to know that no larger vessel than one of 36 guns could come into Baltimore; he had made it too large, and in the place where it ought not to have been erected. Where the fortification ought to have been made, little had been done; barracks had been erected, but there was no place for preserving powder, and when the commander of the fort arrived there, he found twenty-seven barrels lying above his barrack. The cattle had also free intercourse with the barracks, nor was there any defence against them. The secretary of war, he believed, contemplated the erection of a proper fence and powder-house. He should, therefore, be for voting a sum for keeping the present works in repair, and for making them as useful as possible. He did not think they should refuse a small sum to keep them in repair.

Mr. Dayton believed that the unpleasant history of the progress of the fortifications near Baltimore, with which they had just been entertained by the member from Mary-

land, would be found to be that of many others which had been commenced in other places. Injudicious positions had been taken, and plans, that were so extensive as to require more money to finish, and more troops to garrison them, than could be spared, had been adopted by many of the agents and engineers. He thought it proper to review the present system before they proceeded farther.

He rose principally to correct a mis-statement made by the gentleman from New York (Mr. Williams) who had said that only 12,000 dollars of the money of the United States had been expended upon fortifications in the harbour of their city. If that gentleman had attended to the official reports of the last year, he would have seen that 17,500 dollars had been expended upon those fortifications out of the appropriations for the two years only of 1794 and 1795. Nearly 170,000 dollars had been appropriated in those two years for the general purpose of fortifying ports and harbours, and it appeared that about 8,000 dollars only remained unexpended. To grant 50,000 dollars additional at this time would, Mr. Dayton said, be in his opinion, an unwarrantable waste of money upon objects from which few advantages would arise to the public. He hoped, however, that if any grant should be made, the cession of jurisdiction would be insisted upon as an indispensable preliminary to its expenditure.

The question for filling the blank with 50,000 dollars, was put and negatived, without a division.

Mr. Livingston wished to know whether the committee had the information before them respecting the state of the fortifications at Charleston, which had been laid before the committee of the whole; if not, he thought a sum of money should be allowed for that port, and he did not see how gentlemen who wished to preserve the present works from ruin, could decline voting for it.

Mr. W. Smith believed this information was not before the committee. He moved that the blank should be filled with 40,000, which being also negatived, without a division, the question was put upon 24,000, and carried, 42 to 36.

Mr. Gallatin wished to move an amendment to confine the expenditure of the money which they had just voted, to those spots which had been ceded to the Union. His reason for making this motion was, that those places which had ceded their fortifications to the United States, were prevented from doing any thing for themselves. Pennsylvania, for instance, was at the mercy of the general government; if it

refused to fortify Mud-Island, Philadelphia would be left exposed to the attacks of any armed force which chose to come against it. As only a small sum had, therefore, been appropriated, it should be applied to those states who had made cessions of their works. If they adopted this principle, such states as chose to intrust the United States with their fortifications would do so; and those who chose rather to take care of themselves would act accordingly. His amendment was to follow the resolution in these words: "provided that no part of the above mentioned sum shall be appropriated on any spot which has not already been ceded to the United States."

Mr. Potter said, the state of Rhode-Island had laid out considerable sums upon their fortifications; but with a view of their being better protected by the general government than by themselves, they had been ceded to it, and since that time they were going to destruction. Before they were ceded, they had their works mounted with guns and men, but now they had neither; and, if the United States did not mean to keep these works in repair, it would be much better for them to return them again into the hands from which they got them.

Mr. Livingston said, if an amendment could be added to the provision, he should have no objection to vote for it. They were told the public money should only be expended upon such fortifications as were ceded to the United States. He would wish to add, "if the United States shall pledge themselves to make such places a complete defence." The information of the gentleman from Rhode Island had weighed much with him. What was it? They had ceded the only place proper for defence; they had laid out a small sum, and left it deficient, and prevented them from doing any thing for themselves. Mr. Livingston then proposed an amendment to the above effect.

Mr. Williams was opposed to both motions. He would only ask the gentleman from Pennsylvania what would be the situation of New-York, supposing they were upon the eve of a war, if these islands were ceded, and the general government refused to do any thing towards their defence? Would he wish to tie up the hands of the individual States from defending themselves? When he was up before, he had stated that the general government had only appropriated 12,500 dollars towards the fortifications at New-York, in the first instance; the legislature of that state finding that

sum only appropriated for that object, and knowing the exposed situation of the city of New-York, agreed to advance near 200,000 dollars for that object and the defence of the frontiers. He believed that, in the whole, 17,500 dollars had been appropriated by the United States to these works; but if they will not complete them, the state ought not to tie up its own hands from doing so. The constitution placed the power of the defence of the nation in the general government; but if they would not defend it, individual states must defend themselves.

Mr. Sherborne supposed that other states seeing the manner in which the United States neglected to protect those places which had ceded their fortifications, prevented them from making cessions of theirs.

Mr. W. Lyman said he should vote for the latter amendment, because it would render the former less exceptionable; for, without it, he should expect to see the whole of the money expended on Mud-Island and Presqu' Isle; because he believed no cession had been made of any other. He was not certain with respect to Baltimore.

Mr. Havens was against the amendment of his colleague (Mr. Livingston) as altogether nugatory. The government of the United States would always judge of their own situation, and what was necessary to be done. He did not see how it was possible to prevent the government from judging and acting in such cases as they thought proper. Nor did he think the amendment of the gentleman from Pennsylvania was at all proper. He believed when the gentleman from Connecticut said the business was begun radically wrong, he meant that the United States were not equal to the expense of the undertaking. If this were the case, they should select those places which were of the greatest importance, and give assistance to them; but if this amendment were to prevail, their assistance would be confined to those of least importance. If a state had not made a cession, if it were ever so much in need of support, it could not receive any. He hoped, therefore, the proposition would not be agreed to.

Gentlemen seemed to make it a matter of great importance that a cession should be made; but did gentlemen seriously believe that this was the only objection to affording support to the ports which asked it? If they were not unwilling to do it, had not government the power to give assistance, though cession was not made? Or was it right that they should place the defence of the Union upon so slender a

foundation, as that the refusal or neglect of a single state legislature, to cede a proper site for fortifications, should expose it to the utmost danger? It was obvious that it was not.

Mr. Swanwick said, much difficulty arose from two bodies having the same power in this business; it did not follow, that because one power did not do what was necessary, that the other ought not. He thought the motion of the gentleman from New York well calculated to bring the matter to a point. In Pennsylvania, he said, they had ceded the important fort of Mud-Island, and they had a strong claim upon government for protection; and if they did not do their duty, it would evince the imbecility of government. Indeed, he was very sorry to hear so much of the imbecility of government as he had that day heard. What a strange idea would it give to foreign countries, that we were not able even to preserve our fortifications from ruin; that in one place they were undermined by the sea, and in another were subject to abuse from cattle? What a strange idea it was, to think of a fort which should be impregnable, being torn to pieces by the cattle! These were the most extraordinary specimens of good government he had ever heard. Whether they were upon the subject of a navy or upon fortifications, their finances were wholly unequal to the business. Where should they stop at last? Could such a system as this prevail? He thought it could not. He believed such representations of our weakness were well calculated to provoke aggression.

Mr. Swanwick could not help being surprized, that whilst they were taking great care of their posts at the Natchez, Detroit, &c. where nobody came, they were leaving their sea-coast, where danger could only be apprehended, exposed to every danger; for he did not expect an enemy would attack them where nothing was to be got; they would strike at our large cities, where lay the great capital of the nation.

Mr. Nicholas spoke against both amendments.

Mr. Dearborn thought it was proper the question should be brought to issue, whether places which did not cede their spots upon which their fortifications were erected, should be supported or not. He thought this amendment was calculated to determine this point.

The question on the amendment to the amendment was put and negatived, without a division.

The question then recurred upon the amendment offered by Mr. Gallatin; and after a few observations from Mr.

Gilbert, in opposition thereto, it was put and negatived, 38 to 36.

Mr. W. Smith then proposed a resolution to the following effect :

“ Resolved, That a farther sum of 15,737 dollars and 19 cents, be appropriated to reimburse to the state of South Carolina, the expenses incurred in fortifying the city of Charleston.”

The question was put and negatived without a division.

The committee then rose, and the resolution was referred to the committee of ways and means to bring in a bill.

A message was received from the Senate informing the house they had passed the Military Establishment Bill without amendment.

A Report was received from the Secretary of war, inclosing an account of the deficiencies reported to the house on the 10th instant, intimating at the same time, that there would be a further deficiency for Militia Service on the frontiers of Georgia of 112,413 dollars, which would be laid before them as soon as made out. Referred to the same committee of the whole to whom was referred the former communication on this subject.

Mr. Sitgreaves, from the committee to whom was re-committed the bill for mitigating and remitting fines and penalties under the revenue Laws, reported a bill, which was committed to a committee of the whole to-morrow.

Mr. Venable asked leave of absence for the remainder of the session, for his colleague, Mr. Hancock.

Adjourned.

Tuesday, February 21.

Mr. Heath asked leave of absence for Mr. Preston during the remainder of the session, which was granted.

Mr. Harper, from the committee appointed to report what State had agreed to the amendments proposed to the Constitution, respecting the Suability of State, made a report. It recommended that the President be requested to enquire what States had agreed to the said amendment. It was referred to a committee of the whole to-morrow.

Mr. Dwight Foster, from the committee of claims, reported in favour of Samuel Abbott and others, non-commissioned officers, and soldiers who had not been paid by reason of paymasters and agents who had been entrusted by the public with the money, having either failed or run away.

The report recommended a resolution providing relief in such cases. Referred to a committee of the whole to-morrow.

Mr. Harper reported a bill laying additional duties on certain articles of impost. It was referred to a committee of the whole to-morrow.

Mr. Dearborn moved to go into a committee of the whole on the Militia Bill.

He observed it was not a new system, but an alteration of the old one; he supposed it could not take long time, its principles having already been discussed.

Mr. Sherburne supported the motion as it had been several sessions under consideration.

Mr. Williams hoped as the present session was so near a close, the house would not think of it.

Mr. Rutherford thought it better not only be put aside at present, but never revised, as it was taking a power out of the hands of the several sovereign States, which they could best suit their own location in; besides, he thought the United States had nothing to do with the Militia until in actual service.

Mr. Varnum said it was well known the United States had passed laws for the regulation of the Militia, and it was as well known that those laws did not do any service in the eastern States; the benefits of a new regulation would be considerable: during the Western Insurrection assistance was obliged to be obtained from several States, this was not compulsory. He hoped the United States would not expose themselves to danger and expence, when a short bill would prevent it. He therefore thought it a very necessary subject.

Mr. Sitgreaves lamented the time which was every day taken up to know what business should be entered upon; he hoped every private business would bend to public, of which he thought sufficient presented itself. He hoped the present would be postponed.

Mr. Harper was surprised that gentlemen could press a business which there was no probability of doing, he would, therefore, to gratify Mr. Sitgreaves, move a postponement until the 4th of March.

Mr. Parker thought it more proper to discharge the committee from the consideration of that subject, which he moved, and after an observation against it by Mr. Freeman, it passed.

Ayes 42.

Noes 32.

On motion of Mr Dearborn, the house resolved itself into a committee of the whole, on the bill for reviving and continuing in force, the act of the 30th of May, 1796, to regulate the compensation of Clerks, which was agreed to, the Committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

On motion of the same gentleman, the bill for augmenting the salary of the Attorney-General went through the same form, and was disposed of in the same way. Before the question was taken in the house,

Mr. S. Smith moved to add a clause to it to increase the salaries of all the Heads of Departments.

The Speaker said the bill must be recommitted to admit of his amendment.

Mr. Kittera moved to have it recommitted. The motion was negatived, there being only 15 votes in favour of it.

Mr. S. Smith called for the order of the day on the Appropriation Bill; the house accordingly went into a committee of the whole on that subject, Mr. Muhlenberg in the chair; and the item of 50,000 dollars for Foreign Intercourse being under consideration,

Mr. Nicholas said he felt himself very much at a loss on this subject. They were told this session, that the object of this appropriation might cost 300,000 dollars. When he voted on this subject last session, he thought there was no need to go beyond the sum then appropriated, and, from the smallness of that sum he did not make the necessary enquiries, but, as the Secretary of State had said the faith of the country was pledged to pay the debts for which persons had stepped forward as securities, he felt himself much embarrassed. The country would, by this means, be much involved, and how they could be excused from paying it, without disgrace, he was at a loss to know, though he did not think they were bound to pay it. It went to establish a principle that whatever property was thus lost they would be bound to make good, however great the sum, or bear the expence of suits to recover it, which was a dangerous principle.

Mr. W. Smith could not agree, with the gentleman just sat down, that by this act we pledge the United States, to make good any deficiencies of our citizens; on the contrary, he thought there would be a reimbursement of this, as he thought considerable sums would be recovered, and when recovered would be placed to the credit of the United States, and if not recovered he could not see how the United States stood pledged for its payment: he thought the appropriation should be made; it was passed and he could not see how it could be prevented; the President had, he thought, good reason for advancing these sums, or he would not have done it, and having done it, it could not be recalled. All they had now to do was to prevent the like again, by raising a sufficient armament to protect our flag and deter Foreign powers from insulting or injuring our commerce in future; he trusted it would be a warning to us to make ourselves so respectable as to guard against the necessity of indemnification in future.

Mr. Nicholas said that the appropriations should be kept separate, that those for the service of government, and those which was of a disputable nature, might not be introduced, as it could not be essentially different whether the item now under consideration be introduced in this, or in a separate bill. He did not think with the gentleman last up, that because much money was to be spent, that more should be spent to prevent it in future; he was not at all satisfied with the business; it seemed a matter of surprise on the house, and he believed, done without authority; he did not believe there was power in the executive to use money in this manner: at any rate, he thought the appropriation might remain until the last in the session, and therefore he would move to strike out the item.

Mr. Gallatin said that upon examining the documents sent the other day by the Secretary of State, and the Secretary of Treasury, he found that having been under the necessity of giving security for the costs of the suits of our citizens in Great Britain, and being authorised to do so, Mr. Bayard, our agent, had pledged the faith of the United States for the payment of them: on this account several merchants in London came forward and were security for him, and, though the sum of 50,000 dollars was small, it could not be obtained without pledging the faith of the United States. By recurring to the law, it would be found that there had been a general appropriation of one million to defray an extra expence of intercourse with Foreign powers;

and though it was the intention of the legislature that this sum should have been exclusively appropriated to obtain a peace with Algiers, yet it could not be denied that the loose manner in which the act was worded, might be so construed as to cover the purpose for which 200,000 dollars of that appropriation was expended, viz. to prosecute the claims of our citizens whose property had suffered spoliation, as it was an extra expence of intercourse with Foreign nations; yet he did not think the construction which had been put upon it was perfectly natural, but he would not now dispute that question, he would allow it was a legal appropriation. But, it could not be denied that whenever appropriations were made in such a loose manner, they could not cover the expence farther than the money would go. If the legislature, indeed, had authorized an expence, and appropriated a sum of money for that purpose, and this money had fallen short of the expence, it might have been said the expence was authorized, and therefore the money must be procured. In such a case the President would have been authorized by law to pledge the faith of the United States, in the same manner as he would be authorized to call out the Militia; for, though no appropriation was made for the purpose, they should feel themselves bound, in a certain degree, to pay the expence: they might, indeed, say he had expended too much money, yet they would, in some degree be bound to pay it. But the case now under consideration was altogether different: the object of expence was not authorized, and the only reason why the money had been legally expended, was, because a kind of general appropriation had been made, of which advantage had been taken. He conceived that, the President might have gone on to have expended the money as far as it went, he had not the power to pledge the faith of the United States farther. Upon this ground he had prepared a resolution which he intended to have offered to the house this morning, viz.

“ Resolved, that a committee be appointed to enquire into the propriety of the United States either advancing or defraying the whole, or part of the expences of prosecuting the claims of their citizens, whose property has been captured by the belligerent powers, and of authorising the President of the United States to pledge the faith of the United States for the purpose; and that the said committee be authorised to report by bill or otherwise.”

Being an entire new subject Mr. G. said, it was proper they begin the business afresh. They ought not, by appropriating in this bill, to countenance the expenditure of money for an object not authorized by the house: they ought first to authorize the expence, and then appropriate the money, he, therefore was for striking out the item in question. He would not wish to be understood to say, that, though the President had not the power to incur the expence alluded to, that the necessity of the case might not warrant it, and that they might not be induced to legalize it: but if they made an appropriation without any enquiry on the subject, it would be taken for granted that the expence was perfectly regular and warranted; but if, on the contrary, they brought in a bill by itself, it would shew that they alone was the only branch of government which had the power of erecting expence.

Mr. W. Smith said, it was not very material whether this appropriation was in this bill, or in any other, since the gentleman last up admitted, it was necessary to appropriate for it;—this gave him considerable pleasure. Gentlemen admitted, he said, there might be cases wherein to justify the executive in incurring expences, unknown to the house. Mr. S. thought this may be a case of that kind, and that he was justified from the urgency of it: however, every gentleman would judge for himself. There would have been more propriety Mr. S. said, in bringing forward this measure last session than now, as then a certain sum was voted for this purpose in the appropriation bill; they therefore, then did what gentlemen now said ought not to be done; last session, said Mr. Smith we received a communication from the executive, informing us that some money was wanted for the purpose; we, then without legalizing the expence, considering the necessity of the sum to be granted extraordinary to the diplomatic department, it was done, and considered as a proper measure. Mr. S. had no objection to the mode proposed, provided it was done, if it had been done last session.

The question for striking out the item was then put and carried.

The other article of appropriation were then gone through, the committee rose, and the house took it up, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. W. Smith called for the order of the day, on the bill from the Senate, repealing the limitation of the act for the punishment of certain crimes against the United States, and to continue in force the same.

Mr. Muhlenberg in the chair.

Mr. Gallatin said, in looking over this act, he saw little in it which might not with propriety be made a permanent law; though he thought there were some few things in the two first sections, which were not so fit for a permanent law. He, therefore, thought it would be best to extend the act for two years longer, by which time the situation of this country, and of the public mind, might be such as to allow the repeal of those particular parts. He made a motion to this effect.

Mr. Murray hoped the amendment of the gentleman from Pennsylvania, would not succeed. From what he knew of the law, he was impressed very favourably towards it; he thought it well explained the duty of the citizens of this country, as a neutral nation, towards this government and towards other countries; these were permanent duties, he said, which no time could change; they were duties inherent in the law of nature, and agreeable to the law of nations. The object was to create such a disposition in the people as should be friendly to our neutral situation. The clause which forbade the fitting out of privateers was sanctioned by the laws of morality and justice. Mr. M. hoped, therefore, this law would be considered as a permanent law, especially when great evils had arisen from the want of the knowledge of the duties herein contained, and had nearly forfeited our neutral character. If the duties laid down in this act, were such as should be generally known and practised, it was necessary the law should be considered as permanent: indeed he had heard no argument against its permanency, either now, or at the time of its passing. It was necessary the duties of neutrality should be well impressed upon the mind of every citizen. It had, indeed, been the pride of this country to keep hitherto that neutrality inviolate. And in truth, if the law should not now be made permanent, it would exhibit a fluctuation in our counsels, that would not fail to produce a bad effect upon the people.

Mr. Gallatin said there was the same reason for continuing the limitation now, that there was for originating it when the law passed. The law was suitable for our present situation, and whilst the European war continued, it might be well to continue this law in all its parts. Indeed, if it continued nothing but an exposition of the law of nature and of nations, as the gentleman from Maryland had said it was, he would fully agree with him that it should be permanent; but he believed it, in a few instances, contrary to both.

When he was up before, he had said, he did not see any thing, except in the two first sections of the bill, that appeared to him improper for a permanent law, but those sections he did not think were proper. He should be justified in saying, that they were in flat contradiction to the laws of nations, which was the reason he did not wish it to be inserted as a part of a permanent law of the land, without further investigation than they had now time to give it. One of the passages in the law was to the following effect: "That if any citizen shall, within the territory of the United States, accept of any commission in the service of any foreign power or state, he shall be guilty of a high misdemeanor, &c." In no other nation, he said, was it considered as a high misdemeanor to enter into the service of a foreign power. The United States themselves had a number of foreign officers during the last war. No nation ever yet forbid the practice; yet he would fully agree, that owing to the temper of the public mind at the time, the regulation was a proper one; it might be so now; but he was not prepared to say it would always be so, because there might be considerations, which, whilst we were at full peace, would induce us to wish our citizens to learn the act of war; yet, he would not say that this consideration might not be over-balanced by other considerations. He would rather leave this subject, which was not conformable to the law of nations; but a kind of novelty, until the expiration of the present European war. With respect to fitting out privateers, the observations of the gentleman from Maryland, Mr. Murray, was perfectly right. He agreed that the law on this subject ought to be permanent; but the reflections which that gentleman had made, were mostly derived from the objectionable clauses.

Mr. W. Smith wished the gentleman from Pennsylvania, Mr. Gallatin, had confined his motion to the two clauses which he had mentioned as objectionable, as he seemed not to carry his objections to any other part.—The two sections might be enacted for two years, and the remainder be permanent. The law, he said, was a valuable one; and by making its duration for two years only, they should run the risk of bringing the law under consideration every two years; at a time when perhaps the minds of the people might be in a situation, which would render the discussion improper. They knew now what was the duty of citizens; and as it could not possibly be known what our situation might be at the end of two years it was proper to have a permanent law. The gentle-

man said it might be that our situation at that time would be such as not to require a continuance of that law. But this they knew, that the system was valuable; one of the effects of it, he believed, was our peace, whilst other nations were embroiled in war, by preserving our neutrality. He hoped, therefore, the gentleman would at least let all the other causes of the act be permanent, if he should choose to have the period of duration of the two first confined to two years. He would do well to confine his motion to them.

Mr. Coit did not think it material, whether the law was made permanent, or extended for two years more. If he had had the same opinion with the gentleman from Pennsylvania, he should have come to the same conclusion that it would be best to make the law temporary. But he thought, the expression, "if any citizen within the territory or jurisdiction of the United States," did not mean what he made it. There was no prohibition of any citizen of the United States, from going out of the country to serve; "by taking and accepting of employment within the United States."

Mr. Murray said, not having read the law lately, since he was up before he had looked it over, and he owned he was not convinced of the impropriety of making it a permanent law, by any thing which had been offered by the gentleman from Pennsylvania. That gentleman would doubtless admit that from neutral situation certain duties immediately arose; but, that when we declared our neutrality, they became much stronger, and that it would be a breach of neutrality, if these duties were to be neglected. The offence which was forbidden by the first section of the law, was an offence against the law of nations, since it would be to allow a part of the nation to assume a military character, which the law of nations was averse to; what was prohibited in the second section, viz. "that no person shall himself enlist, or enlist any other into the service of a foreign power," was equally improper; as a nation which allowed itself to be a place of recruiting, could not retain its character of neutrality; indeed, if one power had the liberty of beating up for recruits amongst us, another must have the same, so that we should lose altogether our neutral character. If we, therefore, considered ourselves as a free nation, and did not chuse to open our doors to the recruiting parties of any other, it became us to make provision by law against the practice; and were they to repeal a law of this kind which had been already made, or give a limitation to it, they would say this was a duty which might cease—for the

law, said he, does not create duties, but enforces them. The law of nations enjoined upon neutral nations, peaceable manners towards all other nations. This flowed from principles of honour when applied to nations. If the provision was made only a temporary one, the law of nations was put in the power of a mere majority of that house to do it away, which was certainly improper, as the sanction should be as perpetual as it was obligatory.

Mr. Swanwick said, there seemed to be observations introduced into this subject, which were foreign to it; the question was, whether they would agree to limit the law before them to two years, or make it a permanent one. From any thing he had heard, he was in favour of the limitation; as he was not less inclined to think favourably of the wisdom of our successors, than of their own; nor did he fear that house would at any time do what it ought not to do. He doubted not their successors would do the business of the nation as well as they did it—perhaps better. What did experience say in this respect? Were they not in the habit of frequently altering their laws? Did they not often hear of “an act supplementary to an act, &c.” which did not look as if their laws were made like the laws of the Medes and Persians, which changed not; on the contrary, every opportunity was given to revise and make our laws as perfect as possible. It was no evidence of the wisdom of a law, that its advocates wished it to be made permanent; it would appear more consistent in them, to leave it to the consideration of a future legislature, because it was really a wise and excellent law, there could be little doubt, that a majority of that house should insist upon a repeal of it. For his part, he was much in favour of limitations, and wished they were more frequently introduced.

Much, Mr. S. said, had been said about nations, and the law of nations. He believed the great variety of business which lay before them, would not allow them to discuss the extensive folio of the law of nations; and therefore, he believed, it would be much better to pass the law before them for a limited term, and leave it to those who came after them, who probably would have more time to do it, to discuss this law of nations. So far as passion might be supposed to be engaged on one side or the other, with respect to the belligerent powers of Europe, he did not think they were so competent to the passing of a permanent law, as they might be supposed to be some years hence, when the present contest shall have come to a close. But this law of nations, of which they

heard so much, was so flexible a thing, that it was become difficult to know what it was. It seemed to be a law of force which a strong power always interpreted for a weak one. We, he said, had complained to other nations, that the law of nations had been violated in their conduct towards us; but knowing us to be weak, they told us we were mistaken—it was no such thing; whereas, if we had been strong enough for it, we should have shewn that we understood that law as well as them. So laughable a business was become this law of nations. If a gentleman could not find his opinions supported by *Vattel*, he turned to *Martin*, and if not by him it would not be difficult to find some other author agree with him in sentiment; indeed, he thought, this famous law of nations was become little more than the law of strength.

But the gentleman from Maryland, Mr. Murray, said, if this law was made permanent, it would have a good appearance to foreign nations; it would shew them that our neutrality was fixed; that they had nothing to apprehend from us; we should be as peaceable as lambs. For his part, he did not think this so very desirable a thing; and, if the limitation clause would produce a contrary effect, he should think it a considerable recommendation for adopting it. But, it was said, these limitation clauses kept the people's minds in continual fluctuation; on the contrary, he believed, no law they could pass would fluctuate their opinion. He was convinced they would think for themselves. Indeed their opinion might be found to fluctuate concerning their representatives, and they might tell them they had no farther need of their services. There was no certainty that the people's opinions would approve the conduct of their representatives.

Mr. S. said, he remembered the time when a permanent President was talked of; and something of permanency was heard about another branch of the legislature, which, if it were examined, it would be found, meant no more than that two branches of government should have power of the third. It was said, that though the law before them was a good law, and now approved, yet a future house might repeal it if it were passed under a limitation. Mr. S. said he had often heard apprehensions about what other branches of the government might do, but that they should become apprehensive of what they themselves might do was extraordinary; for, though the wisdom of the other branches was often reiterated, yet he would rather trust, their own body than

them, especially as they were returned by the people every two years; therefore, if the opinion of that house fluctuated, it would be a fluctuation favourable to the interests of the country, since it would receive its bias from the voice of the people, which might not be altogether so in the other branches as they were not so frequently brought to the test of public opinion. And though he did not wish to make discriminations betwixt the merits of the different branches of government, if he did make them, it would be in favour of that house. Why, then, should they wish to abridge their own powers? This was a singular conduct. He should be for cautiously upholding that power; because, he believed the other branches would take care of themselves, and that there was no occasion for that house to take care for them, yet he was sometimes afraid, that in the abundant zeal of the house of representatives for the powers of the President and senate, they should lose sight of their own. As he had no doubt of the virtue and wisdom of a future legislature, he wished the limitation to be agreed to.

Mr. Gilbert said there were certain things which were immutable in their principle; and this was the case, he thought, with respect to the provisions of this bill; and therefore, they ought not to put upon an uncertain footing, what was eternal and true. He, therefore, was of opinion that what had been remarked with respect to laws in general, had no weight with respect to this law.

Mr. Gallatin said, if he were of opinion with the gentlemen from New-York and Maryland, that the whole of this law was founded upon permanent principles, he should agree with them that its existence should not be limited; but he still insisted that the first and second sections of this law were not so grounded; for, notwithstanding the word *exercise*, which moderated the word *accept*, still he would say, that it was not contrary to the law of nations, that citizens of the United States should so enter into foreign service. As he did not mean to recur to *Vattel*, on this occasion, he would refer to a fact. A few years ago, it would be remembered, that whilst the Russians and Turks were engaged in war, the British authorised officers to go into the Russian service; they went to Russia, and when the fleet of that empire went round to the Mediterranean, they anchored within the jurisdiction of Great Britain. This was never looked upon as an infraction of the law of nations. He, therefore, insisted, that however proper in itself the first section of this law,

might be, as it respected the situation of our own country, it was not the laws of nations, nor did it flow from it. If they turned to the second section, he agreed that that part which forbade the inlisting of persons into foreign service was perfectly well founded, as such a practice was not only contrary to the law of nations, but also an encroachment upon the jurisdiction of a sovereign country. He, therefore, did not object to that provision being made a permanent law of the land. But to inflict a punishment upon a person for enlisting himself, was not consonant to the law of nations, though they certainly had the power of making it an offence against the law of the land. In order to prevent an invasion of our neutrality, it would be sufficient to prevent foreigners from recruiting, and there was little danger of our own citizens enlisting, though they had a right to do so, according to the law of nations, except forbidden by a positive law. He concluded, therefore, it would be best to enact the law for another limited time. This legislating by the lump, was not convenient. This was a long act, and as the session was near a close there would not be time for discussing it section by section; the law must, therefore, be re-enacted without undergoing much discussion. If it were to continue in force two years longer, it might then be taken up section by section, and they would see whether it could not be amended.

Mr. Nicholas said, besides the objections which had been made to the act, there was a principle in it dangerous and new. It was the execution of law by military force; not only with respect to ships or vessels, but with respect to persons who came under this law. He thought this alone would be sufficient to lead them to chuse rather to enact the law for a limited term, than as a permanent law. It would be recollected that this particular occasioned much discussion when the law passed, and that it was carried only by a small majority.

Mr. Holland was in favour of the limitation. It had been observed, he remarked, that experience had shewn the law to be a good one; if so it would continue to do so. The gentleman from Maryland was certain that it was agreeable to the fixed law of nations; it might be so, but he ought not to wish to pass it without giving gentlemen time and opportunity to examine it for themselves.

Mr. Murray believed, if the gentleman from Pennsylvania (Mr. Gallatin) would recollect in the case of the British officers, they obtained some authority from their government

before they entered into the service of Russia; so completely were that people bound up by allegiance to their government (and such a conduct was very patriotic and exemplary) that no step of that kind would be taken without authority.

Mr. M. said we had the authority of France for this provision by a famous author of that country, written 114 years ago, viz. *Coldbear*. In speaking on the maintenance of Ordinances he says, that no subject of France can, during a foreign war, take or accept a commission from any foreign country whatever, without permission being first obtained from government; but the ordinance, as commented by *Valleine*, declares, that no citizen of France could take a commission from a foreign power, though in alliance with that country. They had therefore, the examples of both Great Britain and France in favour of the regulations in this bill.

With respect to the charge brought against him by the gentleman from Pennsylvania (Mr. Swanwick) he had entertained him so agreeably, in passing as it were in a circle from Pole to Pole, that he was obliged to lose sight of him in the dust that he himself had kicked up. He had wandered abroad so widely, that he supposed he was mistaken as to the subject; he doubtless fancied he was upon some commercial business. He scarcely knew what to think of him; because he was generally as close to the pole as a well bred race-horse; he never knew him so completely out of the way. The gentleman must have been thinking upon the frigates, or some commercial scheme, as there was no other way of accounting for his wanderings upon this occasion. He should not attempt to follow him.

Mr. Swanwick said, it was no wonder the gentleman should have lost sight of him after describing him as turning the pole. He could assure him he should not follow him in his notice of *Coldbear* and *Valliene*, nor into his enquiries of what France did during her despotic government. And he thought it would be acknowledged, however foreign he might have been from the subject, he was not farther out of the way than he was, in going back to the musty records he had resorted to. To tell them what was the practice of France 114 years ago, was indeed idle; they all knew what a wonderful révolution of sentiment had taken place since that time; they also knew that they had also lately treated Vattel, and other writers upon the law of nations, somewhat roughly. For his own part, when he read some of these works, he thought

the authors of them had spent their time to very little purpose. He believed we should understand the law of nations very well, if we had 20 ships of the line to back our interpretation of it; but whilst we remained without ships, we should have to receive the law of nations from others. Our citizens had been buoyed up with the idea of the liberty and independence of their country; but we had seen them plundered and enslaved. We had also seen our peaceable conduct everlastingly repaid by injury. He believed the people would, however, begin to think for themselves. In two years, he was of opinion, the people would not ask what was the opinion of *Coldbear*, *Valleine*, or *Vattel* was, but would think for themselves.

Mr. S. Smith said there was a law on the subject, wherein it was admitted that our citizens may go into other countries to fight if they chose; the prohibiting clause only went to prevent them entering into the service of other nations within the United States. His colleague (Mr. Murray) was right as it respected Russia, some British officers did this who had commissions, but some he knew had not. How far he was right in his reference to *Coldbear*, he knew not, but he thought it had no force, for he believed the Marquis *La Fayette*, and other French officers who assisted us during the war, had no authority from their government to do it.

Mr. Buck said it could not be a matter of much consequence whether the amendment took place or not; no one could say there was any thing inapplicable to our present situation, but it has been said, that there is provision in the law which may hereafter be continued in force, and therefore, there was no need to restrict it to two years; it could then be reconsidered, for he could not see that, according to the ideas of some gentlemen, it was in the power of the house to make what they called a permanent law to bind any future legislature, if he considered that, he said he should be against passing any acts, and for repealing this, and leaving its extension to a future house: as he thought it almost, if not quite impossible to look forward and see what would take place. He supposed it always in the power of a legislature to make, alter, or repeal, as they pleased; it might be left to their discussion and judgment, and if they saw it not necessary to extend or limit, it might be left to go on as it now is. He could not see any inconveniency in the law, nor had the gentleman from Pennsylvania convinced him of any, he only said it was consistent with the law of nations, and under

the existing circumstances of our government. Then if he cannot show why injurious now, why should he anticipate its alteration at the end of two years? Seeing no use in the amendment, but the contrary, he should vote against it.

The question was put for continuing the act in force two years, instead of making it permanent, and carried.

Ayes 52.

The committee rose and the house agreed to the reported resolution, and the bill was ordered for a third reading to-morrow.

Mr. Swanwick reported a bill to suspend in part the act laying duties on snuff and refined sugar. Committed to the whole house, to-morrow.

Mr. Gallatin then moved the resolution, of which he had this day given notice to the house, at the end of the appropriation bill.

Mr. Swanwick presented a petition from Pierre Joseph Flamend for Louis Le Guen of New-York, praying an extension of the time allowed for receiving drawbacks on goods re-exported, on account of a cargo of Indigo consigned to him, but which, by a failure in the receipt of the Invoice, had only lately come to his hand. Referred to the committee of commerce and manufactures.

A bill was received from the Senate entitled a bill to accommodate the President. This bill enacts, "that after the 3d of March next, the President of the United States be authorized to cause to be sold, such articles of furniture presented to him by the United States, as may be decayed, out of repair, or not fit for use, the proceeds of the said sale, and a sum not exceeding 14,000 dollars, to be appropriated to the accommodation of the President, to be laid out for such articles of furniture as he may direct. Referred to the same committee of the whole to whom was referred a report on this subject.

Mr. W. Smith reported a bill for making an appropriation for the Military and Naval establishments for the year 1797.— Referred to a committee of the whole to-morrow.

Mr. Gallatin called for the order of the day on the bill providing certain expences incurred in the insurrection. They went into a committee, and reported the same without any amendment, the house passed it for a third reading to-morrow.

Mr. W. Smith moved that the house should go into a committee on the business which would require the galleries to

be closed, the Speaker accordingly put the question for going into a committee of the whole on the bill to authorize a negotiation with the Mediterranean Powers, which being carried, the galleries were cleared accordingly.

After the galleries were cleared the bill was agreed to with amendments, and ordered for a third reading to-morrow.

On motion that the house come to the following resolution
 “ Resolved, that the injunction of secrecy upon the members of this house, so far as relates to that part of the communication made by the President, by his message of January 9, which has been printed, *be taken off*, and that all future debates and proceedings thereon be had with open doors.”

A motion was made to insert after the words *be taken off*, “ together with the letter of Messrs. Barlow and Donaldson, of April 5, 1796. The question on the amendment was taken by yeas and nays, lost

Yeas 19.

Nays 65.

The main question was then taken by yeas and nays,

Yeas 50.

Nays 36.

Adjourned.

The following report has been obligingly presented to public view by Mr. Livingston of New-York, which he vouches the authenticity of.

Reports of the Secretary of State, and the Secretary of the Treasury, relative to the present situation of affairs with the Dey and Regency of Algiers; accompanying a Confidential Message from the President of the United States, received the 19th of January, 1797.

To the President of the United States, the Secretary of State respectfully makes the following brief representation of the affairs of the United States, in relation to Algiers.

When Colonel Humphreys left America, in April 1795, he was accompanied by Joseph Donaldson, Esq. who had been appointed Consul for Tunis and Tripoli; and him Col. Humphreys was authorized to employ in negotiating a treaty with Algiers; while he should proceed himself to France,

for the purpose of obtaining the co-operation of that government in this negotiation.

They arrived at Gibraltar the 17th of May. Col. Humphreys concluded that it was expedient for Mr. Donaldson to go first to Alicant, rather than Algiers, in order to be near at hand to ascertain facts and profit of occasions. He gave him instructions accordingly; and having also instructed Mr. Simpson, our Consul at Gibraltar, to renew our peace with the Emperor of Morocco, Col. Humphreys sailed from Gibraltar the 24th of May, and arrived at Havre de Grace, the 26th of June; from whence he set off immediately for Paris. The object of his mission was communicated by our minister, Col. Munroe, to the committee of public safety. On the 1st of July he had received only a verbal answer, that the French government was disposed to interest itself, and to do every thing in its power, to promote the accomplishment of our wishes on the subject in question. On the 28th, assurances were received, that immediate measures should be taken for giving particular instructions to the Agents of the Republic, to use its influence in co-operation with us. The multiplicity of affairs with which the officers of the government were occupied, and the getting from London a sum of money necessary to purchase the usual peace presents; prevented a conclusion of this arrangement at Paris, until September. It had been judged expedient by Col. Humphreys, and Col. Munroe, that Joel Barlow, Esq. should be employed in the negotiation with the Barbary States; and his consent had been obtained. By the 11th of September, all the writings on the part of Col. Humphreys were prepared for Mr. Barlow to proceed with the instructions and powers from the government of the French Republic, to its agents in Barbary, in favour of our negotiations.

Col. Humphreys left Paris the 12th of September, and reached Havre the 14th, where he found the master and mate of the United States brig Sophia, both sick with fevers. While waiting there impatiently for their recovery, he received intelligence from our Consul at Marseilles, that Mr. Donaldson had concluded a treaty of peace with the Dey of Algiers, nevertheless Col. Humphreys thought it expedient that Mr. Barlow should proceed with the presents prepared and preparing at Paris; for if not needed at Algiers, they would be wanted in the negotiation with Tunis and Tripoli.

About the 5th of October, Col. Humphreys sailed from Havre, and after a stormy passage of more than forty days, arrived at Lisbon the 17th of November. There he found Capt. O'Brien, who had arrived about the 1st of October, with the treaty with Algiers.

On the 3d of September, Mr. Donaldson arrived at Algiers, on the 5th the treaty was concluded, and the peace presents immediately given, by a loan. Mr. Donaldson knowing that funds had been lodged in London, to answer his stipulations, engaged to make the payments in three or four months.

Col. Humphreys had received advice, under date of the 30th of July, from the Messrs. Barings, in London, to whom the funds had been remitted, that having made progress in the sales of the United States' stock, they should hold at his disposal the whole of the value of 800,000. dollars, meaning to furnish by anticipation, the value of that part which remained unsold, if the service of the United States required it. Col. Humphreys counting on the money as always ready, after this period, sent Capt. O'Brien from Lisbon to London, in the brig *Sophia*, to receive it. Owing to contrary winds, she did not leave Lisbon till the 24th of December. The other details relative to the pecuniary transactions, appear in the report of the Secretary of the Treasury.

The disappointments in the pecuniary negotiations, put the treaty in jeopardy: the Dey threatened to abandon it; and it was with extreme difficulty that it was prevented. Mr. Barlow did not arrive at Alicant until February 1796, where he proposed to wait the arrival of the funds; but after a little time, his intelligence from Algiers showing that our affairs were in a critical situation, he determined to go thither immediately, with the hope of soothing the Dey. He arrived there the 4th of March: they had before prolonged the time to the 8th of April, for the payment of the stipulated sums. On the 3d of this month, the Dey declared what should be his final determination—that in eight days Mr. Barlow and Mr. Donaldson should leave Algiers; and if in thirty days after, the money was not paid, the treaty should be at an end, and his cruisers should bring in American vessels. Under these circumstances, and as the last hope of saving the treaty, they were induced to offer the present of a frigate this fortunately succeeded. For the particulars of this transaction, the Secretary begs leave to

refer the enclosed letter from Messrs. Barlow and Donaldson.

Col. Humphreys not deeming himself authorized to confirm this promise of a frigate, referred the matter to the Executive of the United States; and for this end dispatched Capt. O'Brien, in the brig Sophia, to America. There was evidently no alternative; and the promise was confirmed.

The frigate is now building in Portsmouth, New-Hampshire, and is expected to be finished in the spring. Capt. O'Brien returned to Lisbon, where he arrived on the 1st of July. Col. Humphreys had advantageously negotiated bills on London for 225,000 dollars: This sum was embarked on board the Sophia, and on the 3d of August, Capt. O'Brien set sail for Algiers. He has not since been heard of; and there is room to fear, that some misfortune has befallen him. The money was insured, at a small premium, against the danger of the seas: against all risks they demanded so high a premium as Col. Humphreys judged it inexpedient to give, seeing the Sophia was a vessel of the United States, having a special passport from the President, as well as a passport in the Turkish language, under the seal of the Dey of Algiers.

Such arrangements have been made by Mr. Barlow and Mr. Donaldson, at Algiers and Leghorn, as will doubtless ensure the payment of the 400,000 dollars, originally expected from the latter place; and the same house have become engaged to the Dey and Regency for the residue of the money due as the price of peace, without which he would not agree to the redemption of the captives. The Secretary of the Treasury estimates these further sums to be provided, to fulfil the terms of treaty.

	Dolls.	255,759
For two years annuities to the Dey,		99,246
To which are to be added the 10,000 sequins promised by Mr. Barlow and Mr. Donald- son, mentioned in their letter,		18,000
And the expences of the captives performing quarantine at Marseilles, and transporting them to America, estimated by the Consul at Marseilles, at about		6,500
		<hr/> 379,505

On the 31st ult. I received a letter from Mr. Barlow dated the 13th of July, informing that the agent, Mr.

Famin, at Tunis, who had been recommended to him by the French Consul Herculias, had concluded with the Bey of that Regency, a truce for six months, from the 15th day of June last, and this without any presents.

TIMOTHY PICKERING,

Secretary of State.

Department of State, January 6th, 1797.

The Secretary of the Treasury, in obedience to directions from the President of the United States, respectfully makes the following representation, respecting the application of the funds destined for the execution of the Treaty with Algiers.

In pursuance of an act passed on the 21st day of February, 1795, the sum of 800,000 dollars were borrowed of the bank of the United States, which was paid in six per cent. stock. A conviction of the case, and a disposition to accommodate the government, alone induced the bank to consent to the loan, as the stock was then saleable in large quantities, at par, including interest. Bills of exchange were not readily obtainable, and the sudden exportation of so considerable a sum of specie, would have been attended with inconvenient effects. Indeed no alternative offered but to renounce the negociation, or to remit stock as a fund.

Various causes operated to produce a depression of all kinds of public stock, soon after the remittances had been made: The rates at which sales have been affected, are as follow:

560,000 dollars, sold for sterling,	-	£. 111,053 13 0
230,000 remained unsold at the date of the latest advances, which may be estimated at 80 per cent. or	-	43,200 0 0

800,000 dollars in stock, will therefore produce in sterling money, - 154,253 15 3 or dols.

685,572 22

Of the sum of 396,911 37-100 dollars, appropriated for treaties with Mediterranean powers, by the act of May 31st, 1796, there was an estimate for a deficiency on account of the treaty with Algiers, the sum of dols. 51,132

The whole of the grants for the Algerine treaty may therefore be considered as equal to an effective fund in London, of	-	dols.	736,704	22
The expenses of carrying the treaty into effect, are estimated at	-	-	525,000	
To which are to be added, agreeably to Mr. Donaldson's calculation, for per centage on the captives,	-	-	27,000	
Other expenses,	-	-	90,000	

Amount of money to be paid in Algiers *dols.* 642,500

The expense of remitting the sum last mentioned, from London to Algiers, according to the best estimate which can be formed, will be as follows:

140,000 dollars procured at Leghorn by bills on London, cost 4/10 55-100 sterling, per dollar, or sterling	-	£. 34,110	0	0	
260,000 dollars, expected to be obtained at 5s. will be	65,000	0	0		
		£. 99,110	0	0	or dols.
					440,488 88
40,000 dollars remitted to Hamburg, cost sterling,	-	£. 9,200	18	8	or dols.
					40,013 4
225,000 dollars procured at Lisbon, for which drafts have been passed for sterling,	-	£. 50,007	16	0	or dols.
					222,256 89

665,000 dollars placed in Leghorn, Hamburg and Lisbon, and supposed to be sufficient to discharge the pecuniary obligations of the treaty, will probably cost

Payments made to Col. Humphreys, sterling,	-	£. 3,471	0	0	
Payment to Capt. O'Brien,		31			

Sterling, £. 3,502 0 0 or dols.

15,564 44

The naval stores stipulated by Mr. Donaldson, were estimated at 57,000 dollars, but which, agreeably to his enumeration of the articles, will cost, agreeably to the estimate of the purveyor, marked (A) - - - 124,413

The freight of the said stores is computed at 50,000

The expense of the frigate lately promised, agreeably to the estimate of the secretary at war, herewith transmitted, (marked B) will be 99,727

The whole expense of fulfilling the treaty according to the estimate, therefore is *dols.* 992,446 25

From which sum the effective value of the provisions already made being deducted, as before estimated - - - 736,704 22

There will remain to be provided, - *dols.* 255,759

The annexed paper marked (C) is a copy of a representation from Messrs. Barings and company, to the minister of the United States in London, dated August 29th, 1796; the accuracy of which is confirmed by the correspondence therein referred to; there is therefore no room to doubt but that the delays and consequent accumulation of expenses, are to be attributed solely to the extraordinary events of the war in Europe, and to other causes over which the government of the United States have had no controul.

By the last article of the treaty, the United States are bound to pay an annuity of 12,000 Algerine sequins in maritime stores; the cost and freight of the articles required by the Dey for the first two years annuity, will, agreeably to the purveyor's estimate, marked (D) be *dols.* 144,246 63

From which the appropriation made by the act of May 6, 1796, for two years, being deducted, - - - 48,000

There will remain to be provided on this account the sum of - - - 96,246 63

*All which is respectfully submitted by***OLIVER WOLCOT, JUN.***Secretary of the Treasury.**Treasury Department,**Jan. 4, 1797.*

(A)

An estimate of the probable cost of the articles for the Algerine Treaty.

500 barrels powder,	-	at 15l.	£. 7,500
66 tons of lead,	-	40l.	2,640
20,000 cannon ball,	-	276l.	- 2,760
5,000 double headed shot,	-	-	590
200 pieces of canvas,	-	-	1,100
2 000 gun barrels,	-	-	2,000
50 masts,	-	100l.	- 5,000
100 spars,	-	40l.	- 4,000
10 cables and cordage, 45 tons,	-	-	10,575
3,000 pine and oak plank, 9 inch thick and 50 feet long,	-	-	9,000
2,000 barrels of tar,	-	-	200
200 pieces of scantling,	-	-	540
100 barrels of pitch,	-	-	150
10 cannon, &c.	-	-	500
			<hr/>
			£. 46,655

Equal to Dols. 124,413
TENCH FRANCIS, PURVEYOR,

Dec. 29, 1796.

(B)

Estimate of the sum necessary to build and equip a frigate, to carry 36 guns, for the dey of Algiers. To which is added an estimate of navigating the same to Algiers.

Carpenter's bill for building the hull, launching the same, together with a complete set of masts and yards, per ton, - dols. 45
 Joiners, smiths, plumbers, boat-builders, carvers, coopers, block-makers, sail-makers, riggers and rigging, with ship-chandler's bill, 55

Ship complete, of 538 tons, at per ton 100 dollars, is	-	-	-	-	53,800
Copper sheathing,	-	-	-	-	4,118 40
Cannon,	-	-	-	-	8,428 60

Copper pintles and braces,	1,240
Powder, shot, and other military stores,	13,551
40 men, including officers, their pay and subsistence for 5 months,	8,589
Contingencies,	10,000

Dols. 97,727 0

(Signed)

JAMES M^CHENRY.

War Office, 26th Dec. 1796.

(C)

In the execution of the business with which Baring and Co. have been entrusted, they have communicated to Mr. Pinckney, from time to time, every material circumstance which has occurred; but, as the present position is extremely critical and important, they will endeavour to state as concise a narrative as possible, from the commencement of the business, for the consideration and determination of Mr. King.

[The 7th March, 1795.] THE president of the bank remit to Baring and Co. dols. 800,000 in certificates of six per cent. stock, with orders to sell the same without causing a depression in the prices and thus injuring the credit of American funds. The net proceeds, after deducting the usual commissions, are to be held at the disposal of Colonel David Humphreys; and we are directed to inform Colonel Humphreys of the progress we may make, from time to time, in the sales of the stock, and also of the terms upon which remittances can be made to Cadiz and Leghorn.—This contains nearly the whole of our orders, or at least the whole of what we conceive to be necessary for the information of Mr. King, in the present moment; the further letters from America being almost wholly answers to our numerous letters, and do not contain a syllable of disapprobation with regard to our conduct, but the reverse.

[31st March, 1795.] Col. Humphreys writes from Philadelphia, that we would furnish him with information, assistance, &c. directed to him at Lisbon.

[28th April, 1795.] We wrote very fully to Colonel Humphreys; the letter contained every information relative to the probable sale of the stock, and the various means by which he could execute his commission through London, Lisbon, Cadiz, and Italy in general.

[19th May, 1795.] We wrote still more fully, in answer to his letter of the 31st of March, wherein we offered to anticipate a considerable sum, on the value of the effects in our hands, for which there was no demand at the moment. We explained to him the value of the Italian coins, those of Spain being well known: mentioning that it was easier to procure money at Leghorn, where there was no restraint, than at Cadiz, where dollars were more plentiful; but the exportation was exclusively in the bank of St. Charles, from whom it was difficult to obtain permission. That we could procure any quantity in London, to which we added the names of our correspondents at the different places, offering every service in our power, direct or indirect.

[18th May, 1795.] Colonel Humphreys advises his arrival at Gibraltar.

[21st July, 1795.] We advise Colonel Humphreys that we had sold 300,000 dollars; that we were ready to pay 100,000 to his order; and if he wanted a farther sum, we desired to be informed.

[27th July, 1795.] Col. Humphreys directs us to pay 40,000 dollars to Mr. Doas, for Mr. Andrews, which was immediately complied with, by a credit on Hamburg for that value.

[30th July, 1795.] We inform Colonel Humphreys that having made further progress in our sales, we should hold the whole of the value of the 800,000 dollars at his disposal; meaning to furnish, by anticipation, the value of that part which remained at that time unfold, if the service of the United States required it.

[28th Nov. 1795.] Is the next letter from Col. Humphreys, and the commencement of our difficulties:—he informs us that he should send the *Sophia*, for the purpose of receiving Portugal gold and Spanish dollars in London, to the amount of 650,000 Spanish dollars. He further opens credit in favour of Messrs. Dohrman of Lisbon, which were punctually paid, and he desires remittances on Lisbon, which, from the scarcity of paper at the time, was effected to a very trifling amount.

This letter was followed and confirmed by others from Colonel Humphreys, dated the 16th, 22d and 24th December, of a similar tenor, or very nearly so, and the arrival of the brig *Sophia* from Lisbon.

Although Colonel Humphreys has not mentioned to us the reasons for this proceeding, we may impute it to the ad-

vice contained in our letter of the 19th of May, and indeed to the well known facility with which a sum of that description could be procured in London, of Spanish dollars, having ourselves never experienced the least difficulty in disappointment, for large sums.

[22d Dec. 1795.] We answered these letters, advising Colonel Humphreys of the impossibility to procure Portugal gold, none having been received for many years. Of the extraordinary turn which had appeared with regard to bullion, in consequence of the immense drains upon this country, for carrying on the war, and which has finally compelled the minister to abandon his favourite project of a second loan to the emperor; but as the difficulty had only began to appear, we hoped that with some delay, we should be able to collect the dollars for the purpose of executing the orders of Colonel Humphreys.

[17th Jan. 1796.] Finding it impossible to procure gold, and no silver arriving, we submitted the whole of the orders and correspondence to Mr. Pinckney, when it was determined to purchase such silver as might arrive; but, at all events, to detain the *Sophia*, which could not be wrong, as the westerly winds would have prevented her sailing.

In the mean while we wrote to Messrs. Parish and Co. of Hamburg, to know whether Portugal gold or Spanish dollars could be obtained in that place.

[January 19, 26,—February 2, 12, 1796.] Are letters we wrote to Colonel Humphreys, wherein we acquaint him with our prospects, from time to time, that Parish and Co. gave us reason to hope for the execution of a part of the order, but that no silver had arrived in London.

[February 16, 1796.] Having determined, with the approbation of Mr Pinckney, to send the *Sophia* to Hamburg, in consequence of the encouragement of Messrs. Parish and Co. on applying to Capt. Crandon, he observed that it was contrary to his instructions, which were to return to Lisbon: and as considerable doubts existed about proceeding to Hamburg, Mr. Pinckney declined giving a positive order to Capt. Crandon, which proved fortunate, as immediately after advice was received from Messrs. Parish and Co. that the dollars they had in view had been purchased.

On this occasion, and under this date, we wrote to Col. Humphreys, by the brig *Sophia*, and by the packet, acquainting him with our disappointment in toto; which we accompanied, at the intimation of Mr. O'Brien, with letters of

credit on Madrid and Cadiz; and, in order to finish this part of the subject, as a justification for permitting the Sophia to return, we should observe, that if she had been detained for six months, we could not have procured one half of the quantity of Spanish dollars required.

[March 1st, 1796.] We advise Colonel Humphreys, that we had received a large sum in bills, drawn from Leghorn, on the British government, being for money sent to Algiers, and which appeared afterwards to be for the release of the Corsican prisoners.

[March 22, 29, 1796.] Are answers to letters from Col. Humphreys, relative to our accounts, chiefly dated 27th February, and 9th March, which we do not notice, concluding that he was satisfied, as nothing appears in reply to us; but as there was reason to fear the business could not be executed in Spain, the government there refusing a licence, notwithstanding the endeavours of Messrs. Joyes and Sons, aided by the American minister or resident.

[April 1st, 1796.] We wrote to Messrs. Fonnereau, of Leghorn, not only to open the necessary credit, but to explain to them, in a full and confidential manner, the nature and extent of our preceding disappointments; requesting (with the approbation of Mr. Pinckney and Colonel Humphreys) that they would convey to Algiers such information as should satisfy the Dey, that the delay in paying the money did not arise from the want of funds, credit or endeavours on the part of the United States, but must be solely attributed to the political convulsions in Europe, which had annihilated the usual channels or modes of procuring the coin for the purpose.

It is unnecessary to quote dates of letters, as there appears but one opinion on the subject, namely, "that the business must finally be done at Leghorn," and both Mr. Pinckney and colonel Humphreys recommend most earnestly, that the information alluded to should be conveyed to Algiers.

[29th April, 1796.] Fonnereau answer our letter of the 1st, promising to follow the orders of colonel Humphreys, and that ——— would communicate to Algiers, every thing we had desired.

[17th June, 1796.] Fonnereau advise the delivery to them, on that day, of the orders from colonel Humphreys, to pay to the order of Mr. Donaldson, 400,000 Spanish milled dollars, which they acquaint him shall be immediately complied with.

[19th June, 1796.] Mr. Donaldson acquaints Messrs. Fonnereau, that he should accept the sum; and on a meeting between them and ———, the price of the dollars, with that of agio, was settled to the satisfaction of ———

[June 20th, 24th, 1796.] Fonnereau drew for what money they could procure, and on the 24th, write, “enclosed you have Mr. Donaldson’s receipt for 140,000 dollars, paid to him by order of colonel Humphreys: this business might have been completely finished by our giving to Mr. Donaldson bills on you, or on Hamburg, for the remaining 260,000 dollars, which ——— offered to negotiate for him, and to give him a receipt for the whole 400,000 dollars, which he engaged to ship to Algiers; but a certain diffidence on his side would not permit him to sign receipts to us, for more than he had absolutely received in cash.”

[June 27th, 1796] The French entered Leghorn, and Fonnereau embarked on Board an English frigate.

[July 15th, 1796] Mr. Donaldson draws on us for the sum of dollars 10,000, ——— under the same date, enquires about Mr. Donaldson’s credit on us, and whether we have orders for more than dollars 400,000.

This question leads to a state of the account, with an estimate of the effects in our hands. Of the original sum sent to us, we have only sold 560 m. dollars, the price having fallen at one time so low as 82, and believing that government would feel reluctant to sell under 90 we had determined to anticipate on the value of the remainder, waiting for our reimbursement in the due time.

The 560 m. dollars above, have produced £. 111,053

Some part was sold above 90 per cent and none below that price, which leaves circe 3/11½ per dollar.

The present price is 86, with little demand; suppose the remaining 240 m. dollars produce 3/9 per dollar, the amount will be

45,000

Total amount of sales and effects,

£. 156,053

The great defalcation in the nominal dollars arises from the remittances being made in funds which fell at 10 per cent. under par,—and the payments being made in foreign money, at a rate very much above par,—that of Leghorn in particular has advanced 16, 18 per cent. above what it was not a long while since.

Our payments are as follow.

Credit on Hamburg, dollars 40 m.	-	-	£. 9002
Drafts on Dohrman,	-	-	50,007
Remittances to Col. Humphreys,	-	-	3,036
His draft 12th of December,	-	-	435
Paid O'Brien,	-	-	31
Paid fundry persons, for the dividends on stock sold,	-	-	2,497
Dollars 140 m. paid by Mr. Donaldson, we calculate circe 4/ 10 55-100 each	-	-	34,110

£. 99,118

Suppose the remaining dollars 260 m. which includes Mr. Donaldson's drafts, calculated at the same rate, the amount will be, at 5/.

65,000

Total amount of payments,	164,118
Ditto of sales and effects,	156,053

The sum of £. 2,497 paid for us by dividends, will be received again by us from America, and of course, appear ultimately to the credit of the United States.

Under all the circumstances which have been stated, it is submitted to Mr. King,—what ought to be done in the present moment?

Mr. Fonnereau says, that reliance may be had on—having conveyed to Algiers the information requested; and moreover, that it will be thoroughly satisfactory at that place.

In the present situation of Leghorn, there is in fact, no exchange; and the drafts of Mr. Donaldson must be negotiated elsewhere—The Italians, moreover know, that bills drawn from Leghorn, subsequent to the entry of the French, cannot be paid in London, without a licence &c.

Baring and Co. can have no difficulty with regard to themselves; they are directed to hold the proceeds, or value (which they conceive to be equally the intention of the United States) at the disposal of Colonel Humphreys, who directs them to pay dollars 400,000 to the order of Mr. Donaldson, which will be punctually complied with, to the extent of sales, and value of what remains, under a proper licence; But that zeal which has induced them to follow this business into foreign parts, without any other motive for their so doing, induces them to submit the difficulties which occur with regard to the actual position of Leghorn,—I

doubt whether the business can be executed from thence, at present,—and still more, the defalcation which must arise respecting the funds, to the consideration of Mr. King, for his better judgment, and which they trust, will serve as an apology for the detail with which they now trouble him.

£. 156,053 Sales and supposed value.
2,497 Dividends.

158,550

5,568 Deficient, supposing Mr. Donalson can negotiate the remaining dollars 266 m. at 5*f*. those of Mr. Fonnereau having cost 4*f*. 10 55 100.

164,118

29th August, 1796.

(D)

As Estimate of the probable cost and freight of the maritime Stores necessary for paying the first and second years annuities to the Dey and Regency of algiers.

1000	Barrels of powder,	£. 15,000
4000	Pine and oak plank,	6,000
3000	Pine boards - -	4,500
2000	Pipe staves, - -	50
100	Dozen long tar brushes,	100
34	Cables, 80 tons	10,800
10	Coils white rope, 11,200 lb.	500
5	Tons yarn,	975
100	Bolt of canvass, -	550
3	Tons lead, - -	120
55	Tons spikes,	3,597 10
2000	Bomb shells, - -	650
		<hr/>
		£. 42,842 10

Equal to dollars, 114,246 63 100
To transport the above to Algiers, suppose 30,000

Dollars. 144,246 63 100

TENCH FRANCIS, Purveyor.

29th December 1796.

Wednesday, February 22.

The bill for the regulation of the compensation of Clerks;
The bill for advancing the salary of the Attorney General;
The Appropriation bill ;

The bill for defraying expences incurred on account of the Western Insurrection, and for allowing compensation to Jurors, Witnesses, &c.

A bill to continue in force an act for the punishment of certain crimes, against the United States ;

Were severally read the third time and passed.

The bill for making appropriations to defray the expence of Negotiations with Mediterranean Powers, was also read the third time.

The provisions of this act, (which has been the subject of the various discussions which have lately taken place with closed galleries) are to the following effect :

“ That the President of the United States be, and he is hereby authorized to apply a sum not exceeding 255,759 dollars and 3 cents, to the expences which may have been incurred in any negotiations with Mediterranean Powers, beyond the sums heretofore appropriated ; and that the said sum of 255,759 dollars and 3 cents, be, and the same is hereby appropriated for that purpose ; and that a further sum not exceeding 96,246 dollars and 63 cents, be and the same is hereby appropriated for discharging the two first years annuity to the Dey and regency of Algiers, pursuant to treaty, in addition to the sum appropriated for that purpose by the act of the sixth of May, 1796.”

On the question being put that the bill do pass, Mr. Greenup said he never liked the bill in any shape whatever, he would therefore express it now, he then called for the Yeas and Nays, which were taken as follow :

Y E A S.

Fisher Ames,
Abraham Baldwin,
Theophilus Bradbury,
Nathan Bryan,
Daniel Buck,
Demsey Burges,
Thomas Claiborne,
Joshua Coit,
Isaac Coles,

Matthew Locke,
Samuel Lyman,
James Madison,
Francis Malbone,
John Milledge,
Andrew Moore,
Frederick A. Muhlenberg,
John Nicholas,
Alexander D. Orr,

William Cooper,
 James Davenport,
 Henry Dearborn,
 George Dent,
 George Ege,
 William Findley,
 Dwight Foster,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Albert Gallatin.
 Ezekiel Gilbert,
 Henry Glen,
 Chauncey Goodrich,
 Roger Griswold,
 Robert Goodloe Harper,
 Carter B. Harrison,
 Thomas Hartley,
 Jonathan N. Havens,
 Thomas Henderson,
 William Hindman,
 Aaron Kitchell,
 John Wilkes Kittera,
 George Leonard,

John Page,
 Josiah Parker,
 Elisha R. Potter,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Samuel Sitgreaves,
 Tompson J. Skinner,
 Jeremiah Smith,
 Nathaniel Smith,
 Israel Smith,
 Isaac Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 Zephaniah Swift,
 George Thatcher,
 Richard Thomas,
 Mark Thomson,
 Phillip Van Cortlandt,
 Joseph B. Varnum,
 Peleg Wadsworth, and
 John Williams,

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N A Y S.

David Bard,
 Thomas Blount,
 Samuel J. Cabell,
 Gabriel Christie,
 John Clopton,
 James Gillespie,
 Christopher Greenup,
 John Hathorn,
 John Heath,
 James Holland,

Andrew Jackson,
 George Jackson,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 William Strudwick,
 John Swanwick,
 Abraham Venable, and
 Richard Winn.

19

On motion of Mr. Gallatin, the title was changed to "a bill to authorize the President of the United States to apply further sums to defray the expences of the negotiation with the Dey and Regency of Algiers."

Mr. Wadsworth presented a petition from the Marshal of the District of Maine, for an increase of compensation. Referred to the Attorney General.

Mr. Dwight Foster from the Committee of Claims, made a report on the petition of Sarah Fenton, widow of J. Fenton, which was against the petitioner, and referred to the Committee of the whole to-morrow.

Mr. Harper moved the following resolutions :

Resolved, That the Secretary of the Treasury be directed to lay before Congress, annually, until the year one thousand seven hundred and ninety-eight, a statement of the amount of duties and drawbacks for each year, from 1792, inclusive ; and after the year one thousand seven hundred and ninety-eight, similar annual statements, each to include, respectively, the six years immediately preceding the year in which it is made.

Resolved, That in the statements required by the foregoing resolution, the amount of duties and drawbacks, after the present year, on each of the enumerated articles, paying a rate of duty ad valorem ; and also, on woollens, shall be separately stated ;—that woollens shall be distinguished into three classes ;—and that the said amount on all unenumerated articles paying such rate of duty, (woollens excepted) shall be comprised in one item, containing, however, an enumeration of the articles of which that item may be composed.

Ordered, That the said motion be committed to Messrs. Harper, Coit, and Venable ; that they do examine the matter thereof, and report the same.

Mr. W. Smith moved, That the memorial of George Turner, which lay on the table, together with the petition of sundry inhabitants of the county of St. Clair, in the territory north-west of the river Ohio, presented the twenty-fifth of April last, and the report of the Attorney General thereon, made the tenth of May, be referred to Messrs. Braßbury, Gilman, Hartley, Heath, and Orr ; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

On motion of Mr. Gallatin, the House took up the bill in addition to an act for granting certain lands to John Cleves Symmes and his associates ; when Mr. Coit moved to strike out the first section. His object, he said, was to gain information, particularly with respect to the survey. Mr. Gallatin, who was chairman of the committee who made the report, gave a concise history of the business, which satisfied Mr. Coit, he withdrew his motion, and the bill was ordered to be read a third time to-morrow.

The particulars of this business, as nearly as we can recollect, are as follow: John Cleves Symmes and his associates, entered into a contract with the United States in the year 1787, for a million acres of land in the north western territory, at a time when the geography of that country was not well understood. The tract was to extend 20 miles up the Great Miami to the little Miami; but when this line came to be measured, it was found that it cut the Little Miami in several places on land which had been reserved by Virginia at the cession of this territory to the United States. Mr. Symmes was down in the country before he knew the line thus drawn would thus cut into the lands of Virginia. The first thing he did was to take possession of the country which is between Fort Washington and the Little Miami, and to sell as much as he could of it. General Sinclair, the Governor of that Territory, threatened to drive Mr. Symmes and the settlers off this territory to which he had no right. The innocent settlers, who had purchased the land of Mr. Symmes, sent forward representations of their case to the President, which, together with the representations of the Governor, produced an act to change the boundary line of the purchase, which was passed April 12, 1792. This act describes the boundary line of the tract of land to be between the two Miamis and the Ohio. Mr. Ludlow was sent to survey it in 1793, when it was found that instead of there being one million of acres there were only 543,950, which was duly surveyed, and the survey lodged in the treasury office on the 10th January 1794. Here arose the first difficulty. The act passed to change the boundary line could not take place without the consent of Mr. Symmes. In consequence, the law was said to be enacted at the request of Mr. Symmes. In 1794, Mr. S. had not made any request, consequently the law was a nullity. He might at that time have said, he would not have the land upon any other than the original contract, and that it was the business of the United States to make up the deficiency; and, if he had so acted, it is probable Congress would have been obliged to have found him one million of acres of land agreeably to his contract; but, at that time, lands were not raised to so high a price as they were now, and Mr. S. did not think it necessary to avail himself of his contract. On the 11th April, 1792, a petition was presented in his name, stating, that from an advance in the price of certificates, resulted the impossibility of fulfilling his contract, and prayed that an abatement might

be made in the price of the land. On the 27th Sept. 1794, instead of saying he would not abide by the new boundary, he requests an alteration may be made in the boundary.—Notwithstanding this request, Mr. S. now says, he did not know any thing of the survey, though more than nine months since it was made. At first sight, it would be supposed the contract was void for want of fulfillment; but as he says he never received from the public a counterpart of the contract (though it is generally supposed he had in some way got possession of a copy) but no proof existing of it, the claim was not forfeited. A circumstance was mentioned which seemed to convey a strong supposition that Mr. S. was acquainted with the survey. The day following the request he had made for the new boundary, was issued to him a patent for 300,000 acres, referring to that survey. Mr. S. now objects to the release which was given of his first purchase as not being complete. It was stated that he had taken possession of land to which he was no way entitled. The necessity of the act being immediately passed appeared from an advertisement (which Mr. Gallatin read from a newspaper of that country) inviting persons to come and purchase, under an assurance that his original purchase would be completed. Mr. G. said that he had been offered some part of the land at a dollar an acre, he was informed that it would sell for two to settlers. Mr. G. said he knew it to be very capital land, and if the 450,000 acres which remained, would sell for 900,000 dollars, whilst he only gave 300,000 for the whole, he would have made a good bargain.

On motion of Mr. Harper, the House resolved itself into a committee of the whole, on the report of a select committee on the resolution from the Senate respecting certain amendments to the constitution, which having been read, a motion was made for the committee to rise, stating that the report was important—that the noise from without, and the indisposition which there seemed to be in members to attend to business [the noise alluded to was the firing of cannon, drums beating and fifes playing, in commemoration of the President's birth day] it was doubtful whether it would meet with proper attention. The committee rose accordingly.

Mr. Livingston reported a bill in addition to an act for the relief and protection of American seamen, which was referred to a committee of the whole.

On motion of Mr. S. Smith, the House took up the bill for regulating the compensation of collectors, &c. at the ports and harbours of the United States; when after having partly gone through the same, a motion was made and carried to Adjourn.

Thursday, February 23.

Mr. Livingston presented a petition from the Custom-House bargemen of New-York, praying for an increase of salary.

Also a petition from Reuben Smith, of New-York, praying for a drawback upon beef and pork, landed in a foreign country, but for the doing of which a regular bond had not been entered into the custom-house. The first lay upon the table, and the last was referred to the committee of commerce and manufactures.

A report was received from the Secretary of State on the memorial of Antonio Carmichael, widow of the late William Carmichael, praying for compensation for her late husband's services as Charge des Affaires to the court of Spain. The Secretary reported it as his opinion that Mr. Carmichael ought to be considered as Charge des Affaires from May, 1782, to April 1790, and that his widow should have been paid for that service 1000l. sterling a year, and 81,000 dollars for extraordinary services. The report was referred to a committee of the whole to-morrow.

Mr. Swanwick, from the committee of commerce and manufactures, reported a bill making an appropriation for the prosecution of the claims of our citizens for property captured by the belligerent powers. Referred to a Committee of the whole to-morrow.

Also, a report on the petition of Joseph Flamend, in behalf of Louis le Guen, on the subject of an allowance of drawback for 12 casks of indigo, which had not been re-exported in due time. The report was favourable. On motion of Mr. Coit, who was not perfectly satisfied with respect to the decision, a decision was postponed till to-morrow.

Also, a report on the petition of North and Vesey of Charleston, South Carolina, praying for a reimbursement of duty on certain sugar destroyed by the late fire. The case appears to have been this. North and Vesey were agents for the French privateer, which brought in the English prize ship, Amity, the cargo of which was prohibited by the admiralty from being sold; but the vessel not proving sea-worthy, permission was given to land the cargo. Leave

was also asked to re-export it, which was at first refused, but afterwards granted; but, in the mean time, the late fire happened, and 52 hhds. of the sugar were consumed, and the Collector seized the rum to pay the duties upon the sugar consumed. The committee reported it as their opinion, that as the goods were not permitted to be sold, no duty ought to have been charged upon them, and recommended that a bill should be brought in to grant relief to the petitioners. Referred to a committee of the whole to-morrow.

Also, a report upon the petitions of sundry manufacturers of soap and candles, of manufacturers of cordage, and of Stephen Addington, calico-printer, who severally prayed for regulations in their favour with respect to duties and drawbacks. The manufacturers of soap and candles labour under disadvantages from no drawback being allowed upon soap and candles manufactured from foreign tallow, though there be a drawback allowed on foreign candles when re-exported. The committee mentioned three modes of remedying the grievance; the first by taking off the duty on tallow imported; the second by refusing a drawback to foreign soap and candles re-exported; the third allowing a drawback on soap and candles manufactured from foreign tallow. The first mode was preferred; but from various considerations they thought it best to defer making any regulations with respect to the business this session. Similar reasons influenced the same conclusion with respect to the other petitions. The report was referred to a committee of the whole to-morrow.

The bill in addition to an act for granting certain lands to J. C. Symmes, was read a third time and passed.

The Treasurer of the United States transmitted his Specie Account for the quarter ending Dec. 31.

On motion of Mr. Harper the house then went into committee on the bill laying additional taxes on articles imported, Mr. Dent in the chair.

Mr. Harper said, he had moved, in a former stage of this business that one cent should be substituted on brown sugar, instead of half a cent; that motion had been rejected; but he supposed many gentlemen had voted against it, because they thought another, and, in their view, a preferable mode would be adopted this session; that not being to be brought forward, he had now thought to renew the proposition. There had been great difference of opinions on the subject.

of additional revenue : some gentlemen had said it could be done without, while others thought an increase absolutely necessary to supply the current wants : it was indeed a predominant opinion at one time that it was wanted ; but many of those gentlemen now thought a very little might fully answer the demand. The last idea, he presumed, was founded on the supposition that the revenue of the present year would be as productive as the last. They were informed that the duties of the year 1796 exceeded those of 1795, 400,000 dollars, and it was presumed, the present would be adequate to the last ; but it was to be observed, that the expences of 1798 were to be paid out of the duties collected in 1797, which revenue is quite uncertain, and from two causes : the great fall of American produce in the European markets, which, in almost all articles, our merchants have felt to amount to, from 30 to 40 per cent. Such a loss must be severely felt. Secondly, The great depredations committed on our trade by the French Republic during the present year more than the year 1796, was another serious injury to our revenue. The revenues received in 1796, which arose from the importations of 1795, were very little injured by British spoliations, these having taken place in 1793 and 1794. The receipts of 1795, from the importations of 1794, were affected, but those of 1796 were not, as in 1795 our produce bore a very high price in Europe, and found a ready market, either of which would prevent the small depredations committed from affecting the revenue that year, and that not having been so much applicable to 1796, the revenue of 1797 would not be so productive, at least it might be fairly conceived so. In addition to this, great part of the capital of our merchants has been detained in foreign countries. By this capture we know that it has been the case to take the cargo of our vessels, and draw bills for this cargo, some few of those drawn at the commencement of this practice have been paid, but a great part not. The amount of property so captured was computed at 4 or 5 million dollars, and this, though it did not much affect 1796, will materially affect 1797. For these reasons it would plainly be seen, that the revenue of the present year, which was for the service of the year 1798, could not nearly equal that of 1796 for the service of the current year.

If this be so, said Mr. Harper, the whole foundation on which gentlemen build their opinion, without additional aid, will be taken away, and their schemes fall to the ground.

He meant only to show gentlemen the precarious nature of commerce at present, that those very gentlemen had anticipated him in, and their arguments were then so forcible as almost to incline him to relinquish his support to a revenue from external taxation at present; but those gentlemen since tell us, notwithstanding their former arguments, that we are not to calculate upon the revenue of 1795 but 1796, and then we shall have enough: that, Mr. Harper said was the most prosperous year that ever was known to American commerce; then the depredations of the British had, in a great manner ceased, and those of the French were scarcely known; this was a propitious period! They could not therefore count upon future revenue equal to that. He had no doubt but the revenue from commerce could be made very great; but there might be room to doubt whether, at present it might be prudent to go to those lengths which may hereafter be requisite; all the investigation of the subject, he had heard tended to confirm him in that opinion: but were they to reckon upon the revenue to be received in any one year, the estimate should not be at the rate of that only, but make the calculation upon a more regular foundation: the great fluctuation of commerce would render it injudicious. Suppose for instance we were to calculate the revenue of 1797, at 6,200,000 dollars, the amount of the revenue of 1796, and by the reflux of our commerce 3 or 400,000 dollars short of that sum were to come into our treasury, this deficiency would leave the finances of the country in a situation of the most serious embarrassment: it was well known that foreign loans could not be obtained, as Great Britain give extraordinary sums of money to carry on the war; and Holland is so drained from the same cause that no hopes can be built there; nor can loans be obtained in this country; they had tried to sell the 6 per cent. stock, on very advantageous terms, but could not dispose of it: even bank shares, which would usually bear a good market had been obliged, to the large advances it had made, to be sacrificed: indeed it was well known that existing circumstances called for it, and therefore no very effectual assistance was to be expected thence. No doubt but the Bank would strain all its power to assist the government, but it would be improper to depend on its will alone; and if there should be a deficiency of 400,000 dollars it would be too late when Congress again meet, to pass a law for raising farther revenue: No, said he, we must do it now, or we shall leave our finances in this state of un-

certainty, to which it is constantly liable, except a more certain provision is established.

Mr. Harper said, that by the proposed taxes 300,000 dollars might be estimated: the secretary of the treasury only estimated 120,000 or 200,000: this he thought would not meet the probable expences of government; no, as he said before, there would be a reflux, and therefore to provide a secure sufficiency they must have 4 or 500,000 dollars, for which reason he should renew his motion to raise the article of sugar from a half cent, as proposed, to one cent. In addition to what he had remarked he would say, that they had failed in the proposition of a tax on salt; it was thought a tax might as well be put on that article as on sugar, that having failed, he therefore hoped that persons who voted against this, to introduce that, would now support the amendment. He hoped it would be agreed to: should it take place it would be necessary to make some alterations in the bill accordingly.

Mr. Gallatin hoped the motion would not prevail, indeed he thought it so inexpedient to advance the duty on brown sugar in so large a proportion, that that reason alone, he hoped, exclusive of any other, would be sufficient to induce the committee to reject the motion; nor would he have again troubled the committee on this subject, but have left the proposition unnoticed, had not the gentleman from S. Carolina made some observations, which, he supposed, were meant to be applied to him, he had reference to those relating to a dereliction of opinion respecting a direct tax. He believed, he was the only person who had said, that he was not desirous that the bill laying a direct tax should pass this session. For it was true, that although he was a strong advocate for a direct tax; although he thought a sufficient permanent revenue could not be drawn from any other source, yet he did not wish the law to pass during the present session; and the reason was, because he had not a sufficient reliance upon his own opinion, to wish a subject of this sort to come into being against the opinion of so many members of this house as appeared to be opposed to it. When the United States shall think it necessary to go into the measure, he trusted it would pass with great unanimity. At present, he doubted whether a majority of the country was not against the measure, especially when he not only saw so great a division in that house, but apparently a local division, as he believed only four members east of

Hudson's river, and but five south of Virginia had voted for the measure, by which it appeared to be a mode desired only by the middle states. Until, therefore, gentlemen from those parts had returned home, and consulted their constituents upon the subject; until he knew that the law could be carried into effect with more unanimity than at this time appeared, he did not wish to press it. He was willing, therefore, to take all the blame which was imputable to this circumstance, upon himself. He never wished the powers of Congress to be exercised in a way which should not meet with pretty general concurrence. Yet, had he thought the situation of the United States had been such, that additional revenue was absolutely necessary to support the public credit, and it could not have been conveniently raised from any other source, every other consideration would have given way to that necessity. But he did not think that any thing which had been said by the gentleman from S. Carolina shewed, that there would be any deficiency in the revenue for the present which would require additional taxes to supply it.

He would just observe, that the great argument in favour of direct taxes—an argument which had almost wrought conviction upon the mind of the gentleman from South Carolina himself—was the uncertainty of a revenue derived from commerce; and yet from this circumstance, the friends of indirect taxes, wish to extend that plan to the utmost, and raise every thing from it. He should have drawn different conclusions; and from that uncertainty, he should have wished never to have gone beyond those bounds which they knew were safe.

As to the receipts of 1797, Mr. Gallatin said, we were well ascertained of them, because they arose from the importations of 1796, which they knew amounted to 6,200,000 dollars, and which sum, with the internal duties, would be fully adequate to the expences of government for this year. Yet some gentlemen thought the calculation too close, and therefore the additional duties before them had been consented to, which he believed every one must acknowledge would be fully equal to any deficiency that could possibly arise. The arguments of the gentleman from S. Carolina applied to the year 1798. He said we did not know what might be the amount of the importations of the present year; that it might be less than last year, and therefore, that revenue ought to be provided to supply the defi-

ciency if there should be any. The arguments would be good, if the gentleman's data's were true; but he had forgotten that the expences of 1798 would be less than those of the present year by 700,000 dollars, including not only the current expences, but the instalment of the Dutch debt, which in that year would only be 100,000 dollars. The instalment this year is 400,000, so that in this item there will be a difference of 240,000 dollars, in the next place the 280,000 dollars which this year has been agreed to be paid to the Dey and Regency of Algiers, will not occur again; and also, the 180,000 dollars appropriated for finishing the frigates would not be to provide another year. These three items made the 700,000 dollars which he had mentioned. In addition he would add, that this year there had been a charge of 200,000 dollars for the defence of the frontier in 1795; but perhaps something might be wanted in that quarter another year, and therefore he would pass over that sum. But he thought there could be no danger of a want of revenue in the year 1798.

Mr. Gallatin said, he would not pretend to say that it would not be desirable to increase the revenue, in order that they might pay a part of such instalments of the foreign debt as would become due after the year 1801. Certainly the sooner our debt could be paid, the better; but he meant only to shew, that there was no necessity for increasing the revenue for 1798. If it were necessary to raise additional revenue, it would be for two principal objects, the payment of the Dutch debt and the 8 per cent. deferred stock; but as these did not become due till the year 1801, they were not under the necessity of providing the means for it at present.

During the next session, Mr. Gallatin said, they should have time to compare the two systems of taxes together, and to discover which offered the best and most permanent sources of revenue. For the reasons he had given, he should be opposed to the motion.

Mr. W. Smith said, he should not adduce many arguments to shew the propriety of advancing the duty upon this article any more than that upon any other; but he wished to bring before the committee a true statement of the receipts and expenditures of the United States, in order to shew what sum of money would probably be wanted to answer the demands of the United States. As he differed considerably from the gentleman from Pennsylvania, as to

our real wants, he considered it as his duty to lay this statement before the committee. He had investigated the subject with as much accuracy as possible. He had attended to the documents which had been laid before them, to the laws which would probably pass this session, and to the probable increase of revenue. The result of this examination was, that there would be a deficiency of about a million of dollars. To what the additional imposts already agreed to would amount, he could not say, but he believed they would make 200,000 dollars, which would leave a deficiency of 800,000 dollars. He made the following statement :

Expences of 1797.

Civil list, - - - - -	634,322
Military and naval establish. and pensions, - - - - -	1,284,532
Deficiency of 1796, - - - - -	201,000
Algerine appropriation, - - - - -	376,500
Interest of domestic debt, - - - - -	3,471,972
Int. Dutch debt, - - - - -	614,241
Instals do. do. 1797, - - - - -	400,000
Premium remitt. &c. - - - - -	50,000
Appropriations for frigate, - - - - -	171,000
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	7,213,567

Revenues of 1797.

Impost, - - - - -	5,588,961
Internal revenues, - - - - -	337,255
Post-office, - - - - -	35,000
Bank stock, - - - - -	150,000
Stock redeemed, - - - - -	88,636
Sundries, - - - - -	746
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	6,200,598
Additional imposts in 1797, - - - - -	200,000
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	6,400,598
Probable deficiency of revenue, - - - - -	812,969
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	7,213,567

It would be observed, Mr. Smith said, that the gentlemen from Pennsylvania and Maryland, had calculated the impost at 6,200,000 dollars, whilst he made it only at 5,588,961, which he took from the Secretary of the Treasury.

ry's statement, and he believed this was the safest calculation. He would not, he said, go into any very long argument on this subject, because it had frequently been under discussion.

Mr. Gallatin enquired from what document Mr. Smith took his calculations.

Mr. W. Smith answered, from the report of the Secretary of the Treasury, which was calculated upon a permanent plan. In calculations on the subject of revenue, the largest amounts should not be taken. It was not policy in gentlemen to adopt that plan; they should make allowances for deficiencies and accidents. The situation of this country at present required it, and it would be safe, prudent and discreet to do so. The Secretary of the Treasury had estimated the internal revenue at 337,255, dollars, while those gentlemen made it 469,579. This they stated from the revenue of last year, which it was probable would be considerably more than this. He thought there was as much reason for taking one as the other statement; and the government would be exposed to hazard and danger, unless allowances were made for deficiencies.

The deficiency, according to his calculation, was 1,012,969 dollars; and after deducting from that sum 200,000 for the additional duties in the bill before them, there would remain a balance of 812,969 dollars. Admitting the gentleman's own statement to be true, there would still be a deficiency of 100,000 dollars, and this without making any allowance whatever for accidents and occurrences which will always happen, without making any provision for the purchase of the public debt, which might at this time be purchased to great advantage. If there had been money in the treasury for the purpose, instead of paying the debt at par, it might have been bought up at 16 or 17s. in the pound. And he was of opinion, from the present situation of things, the public debt would remain low, and that a surplus in the treasury might be well employed in purchasing it.

So much for the revenue and expences of the present year. With respect to 1798, there was no necessity to go much into that subject. The gentleman from Pennsylvania had estimated the instalment of the Dutch debt payable in this year at 160,000 dollars only; but he asked whether it would be wise to pay only that sum? And whether it had not been in the contemplation of that gentleman, as well as

others, to pay as much as they could yearly? He knew they should not be obliged to pay more; but, he believed it would be a wise policy to pay an equal sum every year. That gentleman made another deduction of 280,000 dollars, which had been granted to the Dey and regency of Algiers this year; but might they not expect items which they did not contemplate, to this amount? Contingencies, he said, occurred, which always swelled the expences greater than were contemplated. There was always something of an extraordinary nature occurring to call for money; either an Indian war, or insurrection, depredations of foreign powers, or attacks by the Algerines. There was no guarding with certainty against them. The next deduction was 100,000 dollars for the frigates. Whether this would be saved or not, Mr. Smith said, was uncertain. The next house might agree to go on with the frigates.

Upon the whole, Mr. S. said, it would be prudent to provide a sufficiency of revenue, and there was no prospect of getting it from any other than the objects contained in the bill before them. Land tax was agreed to be laid aside for the present, as gentlemen from the Eastward seemed wholly against it, and those of the middle states seemed to have grown lukewarm upon the subject. The duty on stamps which would have provided considerable revenue, was also laid aside. They had agreed to lay low duties upon distilled domestic spirits; no increase, could, therefore, be expected from that quarter. They could, then, only resort to such articles of impost as would be likely, from their general demand and other circumstances, to produce additional revenue. As, therefore, no prospect appeared of getting other revenue than by the articles before them, he should be compelled to agree, though with reluctance, to the advance of the duty on sugar.

With respect to their lands, they had authorized public stock to be received in payment; and, though he thought this a very valuable regulation, both for facilitating the sale of the land, and for paying off the debt, the lands, on this account, would not produce much cash into the treasury.

Mr. S. Smith said, very early in the present session he read, with some attention, the report of the secretary of the treasury on the subject of direct taxes. He cast his eye upon certain articles which he thought proper subjects upon which to raise further sums from indirect sources, amongst which were salt, sugar, tea, and the whole of the

10 per cent class of goods, he communicated his sentiments to other gentlemen and they had been brought forward.

He supposed the house would have gone into a system of direct taxes: this he had always considered as a difficult subject, and he never could, himself, form a plan adequate to effect it; but he was desirous that the subject should have been taken up, that in case of extremity it might be called into operation. He did not think any immediate wants of the revenue required this tax to be put into execution, but he wished to take it into consideration, to see what could be done with it. He had still his doubts whether it could be carried into execution; if it could it would doubtless form a valuable source of revenue which could not be injured. He had no doubt, however, of the present revenue being equal to our present wants. The gentlemen from S. Carolina (Mr. W. Smith) had taken his calculations from the report of the secretary of the treasury; but the secretary went into a permanent calculation for a period of 18 years, in the course of which he calculated the sinking of the whole debt.

The trade of 1796, Mr. Smith said, would give near a million dollars; of course there could be no apprehensions upon the minds of gentlemen that the receipts of 1797 would not be equal to the wants of government. The tax upon sugar, he said, would produce 300,000 dollars. The gentleman from Pennsylvania (Mr. Gallatin) was correct on this subject.

The gentleman from S. Carolina (Mr. W. Smith) had said it was not wise to calculate upon the highest returns; but Mr. S. Smith said it was right to calculate upon a preceding year, and when they knew that there would be received in this year from 700,000 dollars to one million, there could be no doubt of the year 1798 falling far short of that sum. For he was not one of those who thought the revenue arising from this year would be much inferior to that arising from the last.

The gentleman from S. Carolina (Mr. Harper) had supposed that the British spoliations had not affected our revenue, but that those of the French would be severely felt. He saw no difference between them, and believed they would be felt alike in proportion to their extent [Mr. Harper explained] He believed the United States would only consume a certain portion of the goods imported; the rest would be re-exported, and the drawback received upon

them; and, as he did not believe the consumption of the United States had been lessened, it would follow that it had been the re-exportation which had been diminished, and, of course, that it would not be the duties which would be decreased but the drawbacks. This being the case little was to be apprehended from a defalcation of the revenue this year.

Indeed, he was of opinion that the revenue arising from the present year, would be equal to any preceding year. The expences of 1797 would be as follow:

Estimate for the year 1797.

Instalment due on part of the Dutch debt with interest on the whole debt, together about	992,000
Annual 8 p. c. and 6 p. c. stock,	2,324,175
Annual interest on 3 p. c. do.	587,926
Ditto. on 5½ p. c. do.	101,689
Ditto. on 4½ p. c. do.	7,920
Ditto. on supposed unfunded debt,	78,261
Ditto. on Bank loans,	372,200
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	4,463,971
Internal Expenditures (as below)	2,255,255
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	6,719,226

Civil list,	} Agreeably to the secretary's report estimated on the session of 6 months.	
Mint,		
Diplomatic,		564,753
Deduct, Savings arising on the session of 4 months only,		52,800
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		511,953
Bill for foreign intercourse,		40,000
Light Houses,		45,647
Miscellaneous claims		12,000
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		609,600

Military Department.

Pay 4 regiments and artillery corps,	256,450
Subsistence,	236,900
Cloathing,	75,000
Bounties,	16,000
Hospital Department,	25,000
Ordnance,	40,000

Two instructors,	1,450
Qr. Master department,	150,000
Defensive protection,	60,000
Indian department,	90,000
Contingencies of war department,	15,000
Repairing fortifications,	20,000
Military Pensions,	93,350
	<hr/> 1079,150
Naval department,	190,000
Balance due on Algerine business,	376,505
	<hr/> 2,255,255
Internal Expences of 1797,	

The expences of the Quarter Master's Department, would in future be considerably lessened ; for, he said, heretofore great expence had been incurred by land carriage, which, in future would be avoided, as the forage would all be conveyed by water. Indeed it had not been an unusual thing for the horses employed in conveying forage from one post to another, to eat the whole of it in their journey to and from their destination, and some horses had been even known to die from want on the road. The conveyance being now by water, a great destruction of horses would be prevented, and he doubted not 100,000 dollars would be saved under this head.

Mr. S. said, with respect to the internal revenue, he would call back the recollection of the gentleman from S. Carolina, Mr. W. Smith, to the time when the excise system was under consideration. 400,000 dollars at that time was the sum estimated to be raised from that source. Besides this, there had been a new duty on carriages; yet they were now told that 337,255 dollars only could be expected from this quarter. Did not the gentleman know that till lately some parts of the State of Pennsylvania had scarcely paid any duty at all, but that now the duty was generally collected ; and so far from its being lessened by the law lately passed, he trusted it would be very considerably increased.

It might be a pleasant thing, Mr. S. said, for gentlemen unconnected with commerce, to talk about the embarrassments of commerce; but he did not believe commercial men would feel themselves much obliged by such lamentable views of their situation as were taken in that house. It would not have been a very agreeable sound in a foreign country, to hear that three or four of our merchants had been arrested for their debts, this was not a very pleasant thing to become,

every where the subject of conversation: such assertions, he said, went to destroy the credit of our merchants abroad, although it might happen from some temporary embarrassments, that the bond of a merchant at the custom-house might be put in suit, because if not paid the moment it became due, the collector was obliged to put it in suit; but he believed the American merchants had always honourably paid their duties—they had done it, and they would continue to do it. It was true merchants had suffered much from commercial embarrassments; but they were now nearly got clear of them; they were doubtless inconvenient to the merchant, but he did not believe they would at all injure the revenue. The law said, a merchant who once failed in the payment of his duties, would have no credit in future; therefore, whatever else went unpaid, a merchant would take care that his duties were paid.

Much of the embarrassments which had arisen had been owing to derangements of a temporary nature, and mostly from what had happened in this city; but it was now found that the Banks could again discount as much as they ought to discount, Bank Stock had rose 3 per cent. 6 per cents were at 16/4, and this day had sold for 17/ which did not bear an appearance so very distressing as had been too frequently painted; and he thought gentlemen should be better informed, before they dwelt so largely on the embarrassments of merchants.

The gentleman from S. Carolina, Mr. W. Smith, had stated an expence of 50,000 dollars as an expence for premiums, remittances, &c. in the payment of the Dutch debt. This was estimated by the Secretary of the Treasury when he was taking into account his 18 years plan in the course of which various losses, &c. might be expected. He knew the Secretary of the Treasury could not remit at par, and he would not be charged 5 per cent for doing business, which he, or any other merchant could have done for one half per cent.

Nothing which had been said upon this subject, had convinced him they stood in need of additional revenue for this year; but he would consent to the taxes in the bill before, the house, but to go farther, he believed would be impolitic and improper.

Mr. Williams observed that were we calculating for our revenue to amount to a certain sum, and that any overplus would be lost to government, it would be worth while to enter

upon the subject with all the accuracy the nature of the case would admit of; but should the revenue amount to more than was necessary for our present exigencies, it was by law to be applied towards the reduction of our debt; a thing so desirable.

He had read a book published by the gentleman from Pennsylvania, Mr. Gallatin, who was opposed to the motion, in which that gentleman endeavoured to shew that our debt had been constantly increasing under the present government; the same gentleman had also said that in case of any defalcation in our revenue, the commissioners could sell more Bank stock. Mr. W. said, he would ask if this was a proper mode of finance—if it corresponded with that gentleman's observations heretofore on the subject of the national debt? Were we to bring our Bank Stock into market for sale, especially when stock is so low we should not only injure the public, but individuals. The gentleman from Maryland (Mr. S. Smith) had said that six per cent stock was at 17s. The papers say 16 $\frac{3}{4}$ some had been sold at 16 $\frac{3}{8}$. The low price of stock must operate much to the disadvantage of this country, and if difficulties did not exist in Europe by which money was in great demand there, our stock would be purchased by foreigners, and a loss of whatever it sold at below par, government would have to pay for it at par. By the act of the 3d of March 1795, the public faith was pledged for the reimbursement of the debt, we ought therefore not only to prevent stock being sent to market, but use our endeavours to keep up its price; indeed, had Congress two years ago laid on more duties, and purchased up a part of the deferred stock, they would have acted wisely. He wished the gentlemen's calculations who opposed the raising of more revenue to come out right, but he doubted it. It was well known that our expenditures over-ran calculation. A few days since they were called on for 201,312 dollars for the defence of the frontiers; it was also said that upwards of 100,000 dollars more would be called for, to complete the payments for services of the like nature, 24,000 dollars was appropriated for fortifications, and other necessary claims were before them, which was not taken notice of in the gentleman's calculations. If the post office bill was passed as it went from that house, there would be a great diminution of the sum from that quarter, perhaps not a dollar would be raised by it.—But said Mr. W. the objection to raising money by indirect taxation, was in consequence of the wishes of gentlemen for direct

taxes. He wished that system to be kept out of sight, until indirect taxes was found insufficient. He hoped, therefore, the motion would be adopted, which would bring in 110,000 dollars, and not be felt by the consumer.

Mr. Thatcher wished to say a word in answer to what had fallen from the gentleman last, up with respect to the revenue arising from the post office. That gentleman believed a single dollar would not arise from that source, if the present bill passed; on the contrary, he was of opinion, that 40,000, if not 50,000 dollars would be received from thence, if the bill passed.

Mr. Swanwick said it was a most extraordinary thing in the present scarcity of that article, that sugar should have been fixed upon as the fittest object from which to increase our revenue. It was well known that most of the sugar brought into the United States came from British islands in the West-Indies, and that the French were now constantly intercepting our vessels employed in that trade. The communication with the Havannah was at present almost destroyed, and no vessels were going there. But the gentlemen from Maryland (Mr. S. Smith) seemed to be of opinion, that there would always be sugar enough imported for home consumption; but, in forming this opinion, gentleman referred to the situation of last year, which had nothing to do with the present. It had also been estimated, that because 600,000 dollars were produced by the present revenue, the duty being increased one third, it would produce 200,000 dollars more. This was by no means certain. In the first place, from the great augmentation of price, owing to the distressed situation of the West-Indies, he apprehended so much would not be consumed; since, when the incomes of persons were diminished, they would endeavour to limit their expences. And that the frequent losses of merchants of 30,000 dollars here, and 20,000 dollars there, would not affect their own circumstances and others, could not be believed.

It had been observed, that by speaking of the embarrassments of our merchants, their credit might be hurt in England. He did not think it would have that effect. The English were in great want of a market for their manufactures; so much so, that if a dealer in dry goods, gave an order to the value of one thousand pounds, the English merchant would send him to the amount of two, on his own risk; not so much from a wish to credit the American merchant, as from a desire to find a market for his goods. No embarrass-

ments in the commerce of this country, therefore, would make the British merchant ship less, except another market should open to him. But was there not some danger, he asked, even in this trade being intercepted? There certainly was; since the greater interest the British had in sending their manufactures to America, the greater inducement there would be for the French to prevent this trade, and this might not arise from any desire to injure us, but to affect her enemy.

Whether a peace should take place in Europe, or the war should continue, our revenue, Mr. S. said, would be likely to suffer. If a peace were to take place, England would find other markets for her goods, and the price of produce and all kinds of property, falling in value, people would be able to consume less of foreign productions. He therefore thought those gentlemen right who calculated upon the necessity of an increase of revenue.

Much, Mr. S. observed, had been said about the embarrassments of commerce. They had been called temporary, that they were now mostly passed over, and were said to have chiefly arisen from derangements in this city. He did not believe this was wholly the case, or that they were at an end; and he thought when money was loaned at $2\frac{1}{2}$ and 3 per cent. per month on good security; it could not be said that the Banks were able to give sufficient discounts.

Mr. S. Smith said the money for which 2 and 3 per cent. per month was paid had nothing to do with fair commerce, that kind of business would always go on, though the Banks discounted ever so liberally.

Mr. Swanwick was certain that this exorbitant price of money was a strong proof of the embarrassments of commerce; it shewed that things were not sound, and that they must undergo a revolution. The Banks, it was true, would discount to a certain amount; but they sometimes used very curious arguments about the claims which different persons had upon them, and were by no means certain sources for cash.

It was necessary, therefore, sometimes to have recourse to brokers, and when that was the case, however good might be your security, the price was paid which he had above stated.

Much stress had been laid upon the expences of government being less in the next year than in this. He did not believe this would be the case; he believed the expence of go-

vernment would increase every year, notwithstanding all the economy of that house; for though some gentlemen might be inclined to be economical in one article, they seemed to have no objection to be lavish on another; for every expence introduced failed not to find its advocates. He did not believe any thing would tend so much to introduce economy into our government as a direct tax; because a man would then know what he paid for the expences of government; but whilst the revenue was wholly paid from indirect taxes, persons never knew what they paid towards the public expences, and therefore he felt easy about public expenditures.

With respect to the proposed additional half cent on sugar it was very immaterial. He did not think it would produce any thing into the treasury. If the quantity of revenue raised upon sugar last year could be continued, it would be as much as could be raised. He doubted whether if the advance were made, so much duty would be raised as heretofore.

It was said if there were any deficiency of revenue, the remainder of the Bank Stock might be sold. It was to be regretted, he observed, that it had not been sold some years ago, or at the time when the last were sold at 25 per cent. above par. Gentlemen had mentioned a considerable rise in our stocks; if that were the case, he supposed it arose from a prospect of peace in Europe. Such an event might have that effect, and he was inclined to think the probability had produced the change, which they had been told had taken place.

Mr. Harper said he desired no better arguments than those of gentlemen themselves, to prove the propriety of his observations, and of adopting the amendment. The propriety of this measure rested upon the uncertainty of the present revenue. Some gentlemen, who would justly lay claim to accuracy in their statements, tell us that the revenue arising from importations, &c. of the present year, would be sufficient to the necessities of the next: while some equally well informed, tell us there will be a deficiency of 800,000 dollars: while such a great difference exhibited itself, he would ask, was the house to depend upon mere opinion for the support of the American government? If so, said he, and we should come short of enough, to whom are we to resort? Shall we apply to the gentleman from Pennsylvania? It is his opinion, that others are quite wrong, and he quite right, but this is not a foundation on which to build the financial credit of the country. According to some, we shall have money enough, but

this, he said, was a mere conjecture—quite an uncertainty; Mr. Harper could not think, any gentleman would wish to let the finances and credit of the country remain exposed to a deficiency, and not have any funds provided to replace it. When the question was on the different mode of raising taxes, he said, then it must be left to rest on every man's opinion: but when on the quantity to be obtained, then gentlemen ought to doubt, every one his own opinion, and respect the report of the Secretary of the Treasury, who, from his examination of the subject can best judge. Suppose, he said, gentlemen should not be right; no foreign or domestic loans; the bank already strained enough, we should then be reduced to great embarrassments; but if we are wrong in our idea, and the money is not wanted, it might go to reduce the public debt, and no injury be sustained; otherwise, the public faith might be violated; which he hoped would never be the misfortune of this country.

He would observe, that the gentleman from Pennsylvania, was not, as he supposed, exclusively alluded to; he did not know that gentleman was the only person, who, after having preached a long time in favour of a direct tax and the deficiency of the revenue, that should quietly give it up at last and say, we now want no money! As to the abandonment of the system of direct taxation, Mr. Harper thought it was impossible to carry it into effect; he thought the difficulties insuperable, and therefore it would always remain so. Some gentlemen said, that before they went to decide upon the abstract principle, they ought to know upon what principles it should be founded, but, no; it was thought proper to decide upon it without looking into the detail: the very moment the bill made its appearance in the house; after having been examined by the Secretary of the Treasury; and the committee of ways and means had spent a fortnight, those who before were its warmest friends, abandoned it as radically bad: they saw the impracticability of it. What then, he would ask, does this teach us? Why, that we cannot look to this, because it cannot be effected; consequently we must apply to other means. Mr. H. hoped, that what the gentleman from Maryland, Mr. S. Smith, said, was truth, viz. that our merchants are not much embarrassed, he could sincerely wish no embarrassments did exist, but when he was informed by at least a dozen of the greatest merchants in this city, he must beg leave to differ from him; Mr. Harper thought there was much em-

barrament attending commerce, but he also thought the country would soon get over it; although much revenue must be lost by it.

With respect to spoliation, and detention in foreign ports, he should not enter into a detail, as that gentleman was a mercantile man, and doubtless understood it best; but this he knew, that if merchandize which ought to arrive in our ports, were carried into a foreign capital, it must produce a bad effect on our revenue; and though you may raise a revenue from domestic sources, yet the ruination of commerce will have a serious effect on that internal source.

As he did not believe this deficiency of revenue would be permanent, Mr. Harper said he only wanted aid to it, until a return of more prosperous days. He would, even notwithstanding very great objections to the system, agree to a land tax, rather than fall short of the present wants, from the impost system; it was so very precarious. As to the article of brown sugar, the committee had fixed on it as a proper object for extension, and by a proper advance, he thought there would be no necessity to attempt to encounter the difficulties attending a direct system.

The question was then put and negatived, there being only 25 in favour of it.

Mr. Coit said, there had been a report from the committee of commerce and manufactures, which was referred to this committee, recommending the duty on cocoa to be lowered from four cents to two cents per lb. He wished the report to be read; it was read accordingly. This report was grounded upon the petition of some chocolate manufacturers who complained of the hardships they lay under, from this heavy duty. The committee of commerce and manufactures were of opinion that this additional duty, by depressing the manufacture of chocolate, and encouraging the re-exportation of cocoa upon which a drawback was consequently received, raised very little more duty, than when at 2 cents. After some few remarks by Messrs. Coit, S. Smith and Swanwick, in its favour, and Mr. Gallatin against it, the question was carried, without a division.

Mr. Gallatin moved an additional section to the following effect:

“ And be it further enacted that the money arising from these duties, shall be solely appropriated for the following pur-

poses, viz. for the payment of the principal of the foreign debt of the United States, and for the principal of the debt now due to the bank of the United States." Agreed.

Mr. Henderson moved to strike out the words relative to White cotton goods, and to insert "all that class of goods which pay 10 per cent. ad valorem." He thought that the whole of this class of goods would bear an additional 2 and a half per cent, equally with the white cotton goods, and would at the same time bring a very considerable sum into the treasury.

Mr. S. Smith agreed with the gentleman from N. Jersey, that if they increased the duty upon all the 10 per cent class of goods, it would be more productive to the revenue, and be no more objectionable than the duty on white cotton goods. He would, however, rather not go into these duties at all, as nothing was more deceptive than the idea of these duties being cheaply collected. It was generally thought that the duty on imposts was collected for 2 and a half per cent; but was this the fact? If it were, he would acknowledge it was the best mode of collecting revenue. Before the formation of the present government, he said, individual States were in the habit of collecting direct and indirect taxes; but there was not a solitary instance, where, when indirect taxes amounted to 5 per cent. they had not resort to direct taxes. He called gentlemen's recollection to the fact, that the original plan of the general government was caused by a 5 per cent. duty being laid, which different states were averse to, and which caused gentlemen to turn their attention to the original of this government. If individual states did not think it right to pay 5 per cent. upon their imposts, it ought to caution us against attempting to raise all our revenue from that source.

Mr. S. said, he had already observed, that persons generally believed that an impost duty only cost 2 and a half per cent. in the collecting. He had made a calculation upon the subject, and found it to be the most expensive of all other taxes in the collection. It would be found, from the various hands through which it went, that every 133l. collected from an impost of 12 and a half per cent. duty, only 95l. found its way into the treasury. This would shew the impolicy of raising all our revenue from this source; for though, said he, the people do not know that they pay the tax at so dear a rate, we know it, and ought not to proceed with it. The people were of opinion the merchants paid this tax; but we

know, added he, that they are merely the insurers and collectors of the duty. They pay no more of this duty than any other class of men, who consume a like quantity of imported goods. The people, he believed, had been deceived in this respect, and he thought some members of that house had also been deceived. The following statement would show the matter in a clear light.

A view of the operation of direct and indirect taxes.

100l. sterling cost of goods, usually sold,
(before duties were known) to the retailer,
for currency

£. 200, 0 0

The usual profit required by the retailer, is
25 per cent. on what the goods cost him

50, 0 0

Cost of 100l. sterling to the consumer

250, 0 0

Suppose a duty of 12¹/₂ per cent to be laid
on the same goods;—the importer will expect
to get for the 100l. sterling, 225l. at the
least

222, 10 0

Retailers profit thereon 25 per cent

55, 12 6

Cost to the consumer will then be

277, 2 6

Deduct the amount the consumer would
pay, if free of duty

250, 0 0

Actual difference to the consumer

27, 2 6

Thus then, on every 100l. sterling cost of goods, which
pays a duty of 12l. 10 sterling or 20l. 16 8 currency, the
consumer pays, on the most moderate calculation 27l. 2 6
or for 100l. currency paid to the collector of the customs, the
people actually pay above 133l.—Deduct the expences of
collecting from the 100l. paid to the collector, say 5 per
cent. and you then have but 95l. currency paid to the trea-
sury, for what costs the people 133l.

The direct tax will be

£ 100, 0 0

Cost of assessment, averaged on ten years
and the annual charges of collecting cannot
exceed 7¹/₂ per cent

7, 10 0

Then every 100l. paid by the people,	
brings into the treasury	92, 10 0
100l. paid by the people, indirectly, pays,	
agreeably to the above, into the treasury	71, 8 6

Difference. £. 21, 1 6

Besides the vast difference in the expensiveness of collection of an indirect tax even that of a direct tax, there was another serious objection to increasing the former. It could not be said precisely to what extent these duties might be carried before smuggling should be invited; but this might be certain, that the moment the duties were so high as to offer a sufficient temptation, smuggling would be entered into upon trade calculations with respect to the advantages to be derived from it. This might be looked upon as certain; for though there were many of our citizens who had too much honour to enter into a business of this kind, there were others who would not scruple to do it; and as it had before been observed, when the practice had once been begun, it could scarcely ever be got clear of. Of what vast importance said he, is it then to keep off this great evil from intruding itself betwixt the fair trader and the government.

Mr. Skinner said, if the statement of the gentleman from Maryland was just, the merchants would have no reason to complain on account of an advance of duty. Though he could scarcely believe that they received a profit of 30 per cent. upon the duties paid on goods imported. It was well known that merchants sometimes got good profits upon their risks, but at other times, they only received a very low profit, and sometimes they were obliged to sit down with a loss. He believed the gentleman was mistaken with respect to what he had said respecting the individual states being dissatisfied, on account of the imposts being advanced to 5 per cent. It was not from the amount, but from other causes. He did not think any thing could be drawn from the doings of the states.—Mr. S. said he was not alarmed at the profits of the merchants. If they could always sell goods as they pleased, they should all be for going into the trade; but he believed from the number who were already engaged in this business, no more than a reasonable profit could be got.

Mr. S. Smith, said it was a reasonable profit only which he had spoken of.

Mr. Kitchell doubted not the statement of the gentleman from Maryland might be true; but he believed that 25 per

cent. would be better paid in this way in addition to the duty than the duty without the 25 per cent. would be paid in any other way. Farmers, however, were in the habit of bartering their produce for goods; and he believed the merchant would not give them so much by 25 per cent in cash, as if he paid him in goods.

Mr. Holland said, that the gentleman's arguments went to shew that merchants were not more affected by indirect taxes than others; they, therefore stood secure either from imposts or direct taxes. If any mode could be adopted by which they might be called upon to contribute an equal proportion of the public burdens, he should be glad to adopt it; but as he knew of none which would do it more equally than an indirect tax, he should be for agreeing to that mode of doing it.

Mr. S. Smith was glad the gentleman last up had been induced to vote for any tax; but for the satisfaction which he seemed to enjoy, of exercising his talent a little against merchants, he would not he believed, have voted for this tax.

Mr. Harper said, an inconvenience would attend the adopting of one article out of a class, and not the others, in the custom-house books. He had also conversed with men well able to give him information on the subject, who had informed him, that if it was thought to be expedient to raise the duty on the article of white cotton goods, it might as well be done upon the whole class. He had conversed with the Secretary of the Treasury on this subject, and endeavored to learn from him why he had settled white cotton goods, from the other articles of the same class; but he could not discover that he had any particular reason for the choice. He seemed to have apprehensions of augmenting the imposts at present; but he did not see why they should have apprehensions for this class of goods more than any other. He had also enquired in the house, and commercial gentlemen had said that it would be as proper to advance the whole, as white cotton goods. If it were extended to the whole class, he believed it would raise 250,000 dollars. This was a large sum, and it would be raised free from the embarrassments to which direct taxes would be subject. For Dean Swift, did not say that two and two did not make four at the custom-house; but that they did not always do so. He trusted this was one of the cases in which two and two would make four.

The question was put and carried, 46 to 29.

Mr. Madison thought it was worthy of consideration, whether it would not be expedient to make an exception in favor of white cotton goods. He understood there was a manufactory of some consequence established in this country, whose business it was to print these white cottons, and if this exception was not made, this additional duty might go to the destruction of it. Indeed, as the printing of this article added as he was informed, two-thirds to its value, it might be considered as a raw material. He believed this manufactory was carried on by persons who came from foreign countries. If their manufactory succeeded, it might induce others to follow them, to exercise their several professions amongst us, which could not fail to be of advantage to the country; but if the present manufactory should be destroyed by one of our laws bearing hard upon its proprietors, it would have quite a contrary effect. He owned he was not much acquainted with the manufactory in question, nor had he made much calculation upon the subject; but, from the face of it, it seemed to require an exception. He therefore made the motion.

Mr. W. Lyman voted for the amendment of the gentleman from New-Jersey, Mr. Henderson, because he believed printed goods were included; he should, therefore, be in favour of the amendment. If this exception did not take place, the duty would be more oppressive than before. He thought it should be considered as a raw material.

Mr. Buck said, the advanced duty would leave these goods upon the same ground as before, as the duty upon printed cotton goods was also increased.

Mr. Swanwick said there was a great quantity of this raw material imported, and if the manufactory in question was properly protected, we might have cotton goods sufficient, printed in our own country to satisfy the demand, without being indebted to foreign countries. If a drawback could be allowed on exportation, perhaps it might answer a good purpose. He trusted the exception would be made; for he was sorry to see last night, the sale of one of these manufactories advertised by the Sheriff. Ingenious, industrious men, he said, deserved better of this country.

Mr. Skinner would be glad if any mode could be hit upon, by which the manufactory mentioned might be excused from the duty, without letting that part escape free from duty which was not printed, and he believed one-tenth nor one-twentieth part of the white cotton goods imported were printed; and this part he believed would bear an additional duty

as well as any articles imported into the United States. He thought some regulation might be fixed upon, by the manufacturers making entry of all that was printed by them.

Mr. Harper believed that discriminations in favour of manufacturers were in general bad policy. It was offering a bounty to one species of industry at the expence of another. If the people of this country found it profitable to employ themselves in printing cotton goods, they would do so. He thought it best to leave these things to themselves. He did not believe one-hundredth or one-thousandth part of the cotton goods imported were printed; great part of these goods being of a fine and valuable kind, and such as were worn by persons of the first fashion. If any regulation were made at all, therefore, it should be done on those actually printed.

Mr. Swanwick believed the gentleman from South Carolina, had no accurate ground upon which to make the assertion which he had made, that only one-hundredth or one-thousandth part of the cotton goods imported, were printed in this country. With respect to the East India commerce, (the benefits arising from which they had heard so much last session) if it were to be of any considerable value to us, large quantities of these goods would be imported, and if they were not printed here, they would be re-exported to be printed in foreign countries, and the drawback, of course, received from them; but, whilst there were ingenious and industrious people here who carried on this branch of manufactory, would it not be a wise policy to give them every encouragement, in order that these goods might be printed at home? He thought it would. A moderate duty might still be paid by the manufacturer, as it was agreed that $12\frac{1}{2}$ per cent. should be paid on printed goods imported; whereas, if the duty was continued as high upon white cotton goods as those printed, the manufacturer here would not be enabled to stand upon an equal footing with the foreign manufacturer, from the high price of labour which he must necessarily pay. This business stood upon the same ground as Refined Sugar manufactories, who were allowed a draw back, on fine sugar exported; and if a drawback could not be conveniently allowed in this case, he thought there should be an excepting clause in its favour.

Mr. W. Lyman said, gentlemen seemed to think it was the wish of the friends of this measure, to give manufactories an advantage from the duty. This was not the case; they wished only that it should not be so high as to crush them. Would

any gentleman say it was not better to have our cotton goods printed at home, than in foreign countries? Certainly not. And if an advantage was given to our own manufactures, in this respect, there would doubtless be less imported. When regulations were made in other governments to favour their manufactories, it was our business to counteract them. These applications had been made to the legislature for two or three years past; they asked not for a bounty, but only, that they might stand upon an equal footing, their difference of situation considered, with the manufacturers of other countries. He hoped the amendment would prevail.

Mr. N. Smith said, it would be evident if there were no duty at all either upon white or printed goods imported, that they stood upon an equal footing, and he could not see how it could be supposed to be otherwise, when each paid the same duty.

Mr. Harper again spoke at some length against the amendment; when

Mr. Cooper rose, and said he should vote against the amendment. He was so tired of hearing about manufacturing—that gentleman had manufactured so many long speeches that he should never like the word *manufactory* again. He thought it ungenerous and insulting to the common sense of the house: ungenerous, because it takes up so much of our time; and insulting, because it imposes upon our sense, and is only telling us we are a parcel of blockheads.

Mr. Madison explained to Mr. Harper, and then the question was put and negatived. Ayes 23.

The committee rose and reported, and the House adjourned.

Friday, February 24.

The bill for regulating the compensation of Collectors, &c. was read the third time and passed.

On motion of Mr. Claiborne, the House took up the report of the committee of claims, on the petition of Ami Dardin, who prayed for the settlement of a claim for supplies furnished the army during the war. The report was against the petitioner, but was disagreed to by the house, 34 to 27, when Mr. Gallatin moved that a committee be appointed to bring in a bill in her favor. This motion occasioned some debate.

Mr. Gallatin said, he rejoiced in the vote which had passed in respect to the report before them, as it was a precedent

against the act of limitation. Where a claim was clear, it was a denial of justice not to pay the debt. He did not think it was more justifiable in a government to refuse to pay its debts, than it was in individuals to do so. Though an act of limitation had been passed, they ought only to consider it in a modified sense, as a guard against fraud; but, in cases where they were convinced a debt was justly due, he did not see upon good principles they could refuse to pay it. He was sure there was not a member on that floor that would do so in his individual capacity. Nor did he believe they needed to be operated by the fear of a number of these claims being brought: he believed their number was small. But, said he, shall we fear that we shall be called upon to pay a few more just debts? He trusted so unworthy an apprehension would not prevent them from doing what was right. The act of limitation was produced, he said, by an incapacity to pay the claims which was made upon government, and now they took advantage of that capacity, by refusing to pay the just demands which were made upon them. The certificates which had been given, not worth more than one-eighth of their nominal value, had been scattered all over the United States, and the distance from the seat of government had been the reason application had not been made for payment. He spoke from his own knowledge. He had some of them put into his hands. Some of them he was fortunate enough to get paid before the act of limitation passed; others went yet unsettled. It was only since the erection of this government, which had given them the ability to pay, that those claims were brought forward; for six or seven years every kind of claim was mustered, and the public debt was considerably swelled by them; but now a contrary extreme was observed, and no claim, however just, had a chance of being satisfied. He had never troubled the house on a subject of this kind before; but he had taken advantage of the fortunate decision of this morning, to say a few words on the subject.

Messrs. Heath, Macon, Williams, and D. Foster, were against a committee being appointed to bring in a bill; they hoped no partial regulation would take place, but that if any exception was made from the operation of the act of limitation, it would be done in a general way, as there was a great number of claims equally well entitled, with Mrs. Dardin's payment. Indeed, Mr. D. Foster, chairman of the committee of claims, (who was not present when the question was taken upon the report) said if this claim was granted, it would bring

forward a *thousand* others. He also added, that he had a report in his hand on the subject which was referred to them, respecting the propriety of making exceptions in favour of certain cases, from the operation of the act of limitation.

“ That the most important, and all the material facts respecting this claim, are stated in the former report of the committee appointed to consider the said petition. To that report the committee now ask leave to refer. Whatever justice there might originally have been in this claim against the United States, it is now; and for many years past, has been as clearly within the statutes of limitation, as a multitude of others which have been rejected. The committee regret, that no relief can, with propriety, be granted to the petitioner, upon her application. So many evils would result from a suspension of the limitation acts, for the admission of claims similar to the one under consideration, the committee cannot recommend that measure to be adopted: They are of opinion, the prayer of the petition ought not to be granted.”

The report, petition, and papers, were committed to the whole house on Monday.

A petition from James O'Brien and James Aylward, late inhabitants of the island of Newfoundland, now at Plymouth, in Massachusetts, was presented to the house and read, praying a remission of the duties of tonnage on two small schooners, the property of the petitioners, which they have delivered, together with the registers belonging to the same, to the collector of the port of Plymouth, as security for the payment of the duties aforesaid; and also, that the said schooners may be restored to the petitioners.

Also, a memorial of sundry inhabitants of the town of Champlain, in the state of New-York, in behalf of themselves and others, inhabitants of the northern part of the town of Plattsborough, in the said state, whose names are thereunto subscribed, praying, that a custom-house may be established as near the line which divides the said state of New-York from the province of Canada, as a convenient situation can be found for that purpose.

Ordered, That the said petition and memorial be referred to the committee of commerce and manufactures.

The House took up for consideration the amendments of the Committee of the whole to the bill for laying certain additional Indirect Taxes; when the amendment enacting an additional duty of $2\frac{1}{2}$ per cent. on the 10 per cent. class of goods, being under view,

Mr. Harper wished to make an amendment with respect to goods imported in other than American bottoms; to make the duty fall in due proportion; he said, goods imported in foreign vessels should pay $2\frac{3}{4}$.

Mr. Gallatin said no additional duty could be proposed in the house; it must be done in a committee of the whole.

The Speaker so determined.

Mr. Nicholas wished so to amend the resolution as to leave out white cotton goods.

Mr. Gallatin thought if the goods were specified, it would be better than saying such a class should be advanced, and then not only white cotton goods but a few articles of brass, iron and steel, which were included in that class, would be well to be omitted.

The Speaker declared this amendment out of order.

The question was put for recommitting the bill, but negatived.

Mr. Nicholas moved to strike out the words "all other goods not printed, stained or coloured, $2\frac{1}{2}$ per cent. ad valorem;" the division upon which was 36 and 36. The Speaker declared himself in the negative.

Mr. Gallatin again moved to recommit the bill, which was negatived 39 to 31.

The question on the amendment of the committee of the whole to strike out the words "white cotton goods," and to insert all the 10 per cent. class of goods, was about to be taken, when

Mr. W. Smith said, the subject was important; and the varying votes of the house shewed how doubtful was the propriety of going to any extent into an advance of the Impost duties. The first intention was to advance white cotton goods alone, this was passed by a considerable majority; a motion to include all the 10 per cent. class was negatived; yesterday the same motion was introduced and carried by a large majority; to day they seemed again to be nearly divided. At this period of the session, he believed it would be dangerous to go extensively into an advance of the impost duties; for though it was probable there would be a deficiency of revenue, yet, in order to get it, he should not chuse to run

the risk of putting the whole in jeopardy by raising the duties so as to hazard the introduction of smuggling. The 10 per cent class of goods, he said, consisted of a great variety of articles, some of which were valuable and of small bulk, and might easily be smuggled, such as silks, satins, velvets, fine linen, cambrie, &c. No reason, it was said, had been given for selecting white cotton goods for an additional duty. He believed there was good reason for doing so. They were sold at a low price, viz. from 15d. to 3s. a yard, and it was not fitting to put them up on the same footing with respect to duty, with kerseymeres, fine linen, &c. a large amount of which might be contained in a very small compass. He would illustrate the matter. Suppose one article of a certain size paid only half a dollar duty, whilst another of the same bulk paid 100 dollars, was it right, he asked, in regulating the duties, to put those two articles upon the same ground? He believed not; because, the article which paid 100 dollars held out a temptation to smuggling, whilst that which only paid half a dollar, did not. He would, therefore, rather disagree to advance the duty on white cotton goods, than run the risk of introducing smuggling by agreeing to this amendment. Another objection to it was, it went upon the idea of raising all our revenue from commerce, though they had directed a bill to be brought in for laying a direct tax on land. He thought there was great danger in doing this; for, if in the next session additional revenue was wanted, finding the means of resorting to commerce so easy, recourse would not be had to any other source, and whenever a war should break out, the whole of the revenue would be put in danger. He was of opinion either a direct tax on land, stamps, or excise, would be preferable to an increase of the impost duties.

Mr. Harper said, with respect to the varying votes of the house, the reason was palpable. The additional duty on the 10 per cent class of goods, was at first rejected, from an expectation of other duties being imposed; but this expectation being disappointed, they had recourse to this class of articles. As to the vote this morning, in the committee of the whole, he believed several members, who were without the bar, and who had come in to vote, had misunderstood the question, and if it had not been decided as it was by the Speaker, he should have wished it to have been put over again. When the vote should be taken in the house, this would be seen.

Mr. H. said, he knew why gentlemen were so strongly opposed to this advance of duty; it was because it would do away the necessity of a land tax; and he believed a decision upon this question would decide whether they were to have a land tax or not; for, by the proposed advance, with a small addition from stamps or excise, sufficient revenue would be raised for every purpose of government. If no other way of raising money could be devised, he would agree to a land tax, but not else. As to the danger apprehended from smuggling, he would ask his colleague why those goods which now paid $12\frac{1}{2}$ per cent were not smuggled, since they were much the same in bulk and quality with the 10 per cent. class? He had no fears on this head.

Mr. Nicholas did not think it was a proper subject of discussion, to notice how they voted yesterday, or might vote to day; but it seemed to be the object of the gentleman last up to shew, contrary to fact, that he was always in a majority. The gentleman had, however, mistaken the state of the business, as the first decision upon this article was after the other taxes had been agreed upon. He did not know where the gentleman got his information, that the friends of a direct tax were less in favour of that species of tax than heretofore. The reason why that subject had not been proceeded with was, that the committee had reported a bill so late in the session as not to allow sufficient time to discuss and mature the measure. He thought the subject had been very improperly introduced. The gentleman himself had said he would vote for it if it were found necessary, and if it were not, he did not suppose any future Congress would be found to vote for it.

The gentleman last up seemed to think he had answered his colleague with respect to the probability of the proposed advance introducing smuggling; but he thought what he had said fell far short of an answer. The goods which at present paid twelve and an half per cent. were of small extent, when compared with the 10 per cent. class, which included three fourths of all the cargoes brought into this country from Great Britain. This accounted for smuggling not being entered upon at present. He did not know whether an additional two and an half per cent. upon this most numerous class might not prove a sufficient inducement. On this subject, he stood upon much the same ground with the gentleman from S. Carolina (Mr. Harper.) He had no practical knowledge upon it.

Mr. Gallatin said there appeared to be a variety, and a fluctuation of opinion on this subject. As to himself, he had all along been opposed to additional imposts at present; for, though he agreed that this species of tax was well adapted to the situation of our country, yet he did not think it would be safe to extend it further at present. But, if the gentleman from S. Carolina, Mr. Harper, could assure them, that no danger would ensue from smuggling, he would be ready to agree to the amendment before them. Friend as he was to a direct tax, it would be to him an additional reason for voting for this amendment, if that gentleman could prove to the house, that its adoption would prevent the necessity of a land tax; but he conceived, for both these positions, they had nothing more than the bare assertion of that gentleman, and he must own that his confidence was not so blind (however high his opinion might be with respect to the talents of that gentleman) as to rely with perfect confidence upon this assertion.

That gentleman had yesterday said, when speaking of the insufficiency of the present revenue to defray the expences of government, no matter what gentlemen calculated on the subject, if there was any danger of a deficiency in the revenue, if there were a single doubt on the subject, they ought to vote for an increase of duties. It would be well to return his own argument upon himself, and say, that if any gentleman had a single doubt on his mind that this increase of duty might introduce smuggling [which if once introduced could never be done away] he ought to vote against the measure.

But it was said, if this amendment were agreed to it would prevent the necessity of a land tax. How could this be? No gentleman on that floor would think of recurring to a land tax except about a million of dollars were wanted. No one would think of incurring an expence of 2 or 300,000 dollars, unless he meant to have a tax to the amount he had mentioned; it would not even be proposed, except this were the case. He wished to know, therefore, how a duty which was calculated to give from 2 to 300,000 dollars, would prove a substitute for a tax which was to raise upwards of a million of dollars. It would, indeed, prevent the necessity, as far as it went, but no farther. This was another of the gentleman's assertions; and as he had accused him with being against the present amendment because it would do away the necessity of a land tax, he might say, that he used this

land tax as a weapon, knowing many gentlemen to be averse from it, to induce a vote in favour of his impost duty. But, as to the danger of smuggling, which he considered as the main objection to an increase of these duties, nothing had been observed which, in his view, lessened the danger. It might be said, that the 2 and a half per cent. proposed would not induce smuggling. But this was uncertain. There was a line beyond which they could not go without encouraging smuggling, and if they proceeded in advancing the duties from time to time, that line would most certainly be passed. Mr. G. said, he would oppose the opinion of the secretary of the treasury on this subject to that of the gentleman from S. Carolina; and though he was not one of those who placed implicit confidence on the opinion of any of our executive officers, yet he thought, that which the secretary of the treasury gave on this occasion, was entitled to very considerable weight. Every member in that house certainly wished that our revenue should be equal to our expenditure; they were in some degree responsible for its being so; but what was the responsibility of any member in that house, when compared to that of the secretary of the treasury? It would not bear a comparison; therefore, though it was not proper to place a blind confidence in him when he requested an increase of duty, because his situation would naturally lead him to wish for ample funds; yet, when he gave an opinion on the contrary side of the question, he thought it ought to have considerable weight. If the secretary of the treasury thought it safe to increase the 10 per cent. class of goods to 12 and a half, there was no doubt, but he would have recommended it, since to have done this, would have required no pains or calculation; he would only have had to say, as the gentleman from South Carolina had frequently said, the duty now produces so much, and if such or such advance be laid, so much will be produced. The committee of ways and means, not finding themselves able to come to a conclusion on the subject, proposed that an enquiry should be made of him. It was done, and he made a report, which was submitted to the committee of ways and means, and they had reported thereon, recommending certain articles upon which an additional duty might be laid. They had omitted to recommend salt and another article or two, from an idea that the secretary's wish would rather lean towards increasing the duties too high, for sake of revenue, than otherwise. [Mr. G. here read the secretary's letter.] He thought there was a senti-

ment in this letter which was of considerable importance ; it related to the degree to which a duty might be advanced without hazarding illicit trade, which was, that the duty ought to bear some proportion to the mercantile profits of the country where it was laid. There was no doubt, that in a country where the mercantile profits were high, a higher duty might be laid without risk of smuggling, than where the profits of trade were low ; because smuggling was carried on as a trade, and would flourish in proportion as it was more profitable than other trades.

Let us, said Mr. Gallatin, take the ground of the gentleman from South Carolina, who had represented the situation of our trade to be worse than he could admit. It must be allowed, that whether the war continued, or a peace took place, the rates of merchants profits would, in some degree, be lessened, and when this should be the case, a less duty would induce smuggling, than when our produce bore a high price, and every thing was prosperous ; for, if a peace took place, the natural consequence would be, that we should lose our carrying trade to the West Indies, and the price of our produce would immediately fall in Europe. Having nothing but the assertion of the gentleman from South Carolina that this danger would not take place, he could not run the risk which appeared from these considerations.

Permit me to ask, said Mr. G. whether the gentleman from South Carolina has given us complete proof that he understands the whole of the subject ? He had produced proof, indeed, that he had consulted several documents ; but, had he not shewn at the same time, that he had been rather hasty in making his conclusions ; that he had attended only partially to the subject ? As a proof of his information, he had told the house that a great proportion of the whole cotton goods imported was of a fine quality. They all knew this was not so. They all knew that these cotton goods consisted chiefly of a cheap kind which was used instead of linen, for sheeting, shirts, &c. and it was on account of the cheapness of these goods, that they had been selected as a proper article on which to lay an additional duty. He was, therefore, totally mistaken on this head.

That gentleman had also asserted, when the duty on salt was under consideration, that, admitting a duty on that article would fall heavily upon the frontier inhabitants, yet, as they paid but a trifling part of the impost duties, they had no reason to complain. Amongst other things, he said,

they would pay no part of the duty which was contemplated to be laid on white cotton goods, and if they paid any duty at all it was upon a coarse linen. As he had not at that time an opportunity of noticing this assertion, and as he did not wish it to go unnoticed, he would inform the house, that the inhabitants on the frontiers paid more of the impost duties according to their wealth; he was sorry to say it, than were paid by the middle parts of Pennsylvania. As to their paying no part of the duty on white cotton goods, he could assure them, that one fourth part of the stock of a store-keeper in that country must be white cotton goods, if he meant to get any profits by his trade. But that gentleman acknowledged they might pay some duty on coarse linen. It was somewhat curious, Mr. G. said, that the gentleman should have fixed upon almost the only thing which they do not purchase, for this was nearly the only article which they made for themselves.

When, said Mr. G. we see such assertions as these made, have we not a right to suppose that this gentleman may have been mistaken in his supposition that no danger will arise from the increase of the duties in question? Was it not better to hesitate, before they gave a vote which might endanger the whole revenue? He thought it was.

One word more with respect to revenue.—Whatever difference of opinion there might be with respect to the sufficiency of the revenue of 1797, to defray the expenses of 1798, the present amendment did not apply to this; because no part of this revenue would go to that year. He mentioned this, lest the deficiency of 800,000 dollars, which had been said to exist, (but which he did not believe) might influence the vote to be given on this occasion.

Mr. Holland hoped, notwithstanding all that had been urged against it by the gentleman from Pennsylvania, that the amendment from the committee of the whole would be agreed to. If it were not he should be opposed to the whole bill. No other objection had been urged against it, but that it might be the means of introducing smuggling, which, if once gone into, could never be done away. He did not believe it would have this effect; but, if it had, he believed it might be done away. He looked upon it as an equitable tax, and hoped it would be agreed to.

Mr. Cooper said it was unwise to think of raising the duties upon silks, satins, printed calicoes, &c. as they were ar-

ticles out of fashion ; nothing now was wore but muslins. He hoped the motion would not prevail.

Mr. Baldwin said, he had no particular objection to the small advances which had been laid upon Sugar, Tea, &c. but he was wholly against advancing the duty on the whole class of 10 per cent. goods. This he said was a part of the impost system, which had been considered more in the rough than any other part of our laws. In laying the duties they had not designated the articles, but said such and such class should pay so much per cent. They soon found that this was a rough mode which would not answer the purpose. They, therefore, begun to think of enumerating the articles ; but this amendment instead of defining the articles, went upon the old rough plan, and proposed to advance the whole class. Mr. B. said they had directed the Secretary of the Treasury to lay before them at the next session, a newly digested plan for the regulation of these duties, in which all the articles would be enumerated. He hoped, therefore, they should not anticipate the business but wait until that plan came before them, when it would probably be found that the duty upon some of the articles might be advanced with propriety.

The duty on sugar and tea, and perhaps that on white cotton goods, they might, without inconvenience, agree to ; but he could not consent to the introduction of the general mass of 10 per cent goods ; nor did he believe our necessities required it. And when he said this, he would not have it understood that he wished to pave the way for a land tax ; nothing but danger to the existence of the country would ever bring him to consent to a land tax. But the reason why he opposed this amendment, he thought it was going too far ; for he supposed if it were agreed to, it might produce an additional half million to our revenue. He could have no objection to this measure, provided it could be done safely ; but it appeared to him that the objections which had been urged against it, had great weight. He could, therefore, consent to its going only to white cotton goods. He thought they should place some confidence in the officer who had made a report explicitly on the subject. The committee of ways and means had also done the same ; and he believed, if any mischief should arise from their augmenting the duty upon all that class of goods, gentlemen would not be able to acquit themselves of blame, in having opposed these opinions.

Mr. Harper said, if the gentleman from Pennsylvania, Mr. Gallatin, had contented himself with giving his reasons for his own opinions, and with using arguments to refute those of others, he should have been silent, because he believed the subject had been sufficiently discussed; but, as he had connected with his observations, a personal attack upon himself, in order to lessen the credibility to which the observations which he had submitted to the house on the occasion might seem to be intitled, he could not refrain from giving a few words in reply. He would not go into a contest with that gentleman to shew which of their assertions were most entitled to credit.

He never wished his to be attended to, farther than reason went with them. Whether this was the case with that gentleman, and whether he arrogated to himself the right to be believed above all others, he left the house to determine. If the gentleman had confined himself to fact, his remarks would have had more of liberality in them; but he had ascribed to him what he had never said. Whether this had been done intentionally, or from misapprehension, he could not say; it was not usual for men of attention like that gentleman, to misapprehend the meaning of members. That gentleman had assured the house, that he, Mr. H. had discovered an ignorance of documents, only having given them partial statements, and that therefore he must have misunderstood them. The gentleman had not instanced any thing of this sort, the house had, therefore, only his assurance, which would have its proper weight with them and with the public. If he had shewn him wherein he had been mistaken, he would have endeavoured to have profited by his admonition. In other instances he had been more explicit. He had charged him with stating that there were more high priced than low priced cotton goods imported. This the gentleman asserted was not so; but he had brought no proof that it was not so. He had no objection to the house believing that it was not so; he believed it was, from his enquiries and the documents he had seen on the subject. Perhaps mercantile men in the house, who were better acquainted with this business than either of them, would decide.

He had mentioned another instance in which he said he was mistaken. He charged him with saying that the people on the frontier paid no impost duty. Mr. H. denied having said so. He said that the poorer classes of people, more especially those on the frontier, paid but a small share of the

duties on imposts, as the rich paid the duties on all high priced goods. He did say that the poorer class of citizens on the frontier, on whom the duty on salt would fall, were exempt from that on these kind of goods. There might be persons of wealth on the frontier, who would purchase these articles; if there were, they doubtless paid a part of the duty. This was not generally the case. So that the gentleman had misunderstood, or mistated him in this particular.

Mr. Gallatin said no person wished more to avoid personal disputes than he. As to his misapprehending or mistating the arguments of gentlemen, he left the members upon that floor, to determine whether he was in the habit of doing either. He might not perhaps always feel the weight which gentlemen might think their arguments contained; but he thought he could not be justly charged with a want of candour in stating them.

As to the two points of misapprehension and mistatement alluded to. The first was in relation to the frontier. He believed the gentleman's expressions were as he had stated them; he might however have meant them to convey the idea he had mentioned,—he might have intended his observation to have applied to poor people in general, and that as they paid no part of the impost duty, they had no right to complain of a tax on salt. All he could say was, if this was his meaning, he had given him credit for a better argument than he had used. He gave him the credit of applying his remark to a certain district of country generally, and not to poor persons in particular. He understood him as answering what had fallen from him with respect to the peculiar situation of his constituents in reference to a duty on salt; and what made this appear more clear, was some expressions which accompanied the assertion, viz. that the people on the frontier would never know of the additional duty, if some person should not think it necessary to tell them of it. If he had mistaken the gentleman, he should be sorry for it; but he believed he had not.

As to what he had said, that the gentleman did not always draw the best conclusions from the documents which he adduced; that they were sometimes partial, and at other times incorrect, he did not rest this upon an assertion or opinion of his own; but upon the opinion of the gentleman himself. If his memory served him right, that gentleman had, at three, (but he was sure at two) different times gone over his calculation on the probable increase of revenue which

would arise from the proposed increase of duty on several articles; and what was this for, but because he had given so hastily and incorrect a statement at first, that he thought it necessary to give a second or a third to correct his former errors and misstatements. This was what he alluded to when he charged him with having drawn hasty and imperfect conclusions from the documents which he consulted. As to wishing more credit to be given to his assertions than to that gentleman's, he did not suppose the judgment of that house could be influenced by either. It was true, he had answered an assertion of his by one of his own; but he might say that he spoke from experience, which that gentleman could not do; he knew the fact to be as he had stated it, and that gentleman could not know the contrary.

Mr. Williams said, he would only make a few observations on what had fallen from the gentleman from Georgia, Mr. Baldwin, and the gentleman just sat down.—The former had said, that if the report of the committee of the whole was agreed to, it would make an addition of 500,000 dollars to our present revenue—but yet was himself opposed to it.—He would ask that gentleman, if a more favorable period could be expected than the present, to call forth our resources to discharge our debt? The surplus of our agricultural productions, said Mr. W. was at a high price, and this being the case, the duties will be borne without difficulty, and the 500,000 dollars, might be applied towards the purchase of the deferred stock. The gentleman last sat down, Mr. Gallatin, had asked to be answered in two propositions. The one was, if an additional duty was laid, would the merchants not smuggle? and the other, if we must not eventually have a direct tax? In answer to the first, Mr. W. did not apprehend danger from the small augmentation of the impost; and, from the gentleman from Georgia, Mr. Baldwin's, own observation that the augmentation would neat five hundred thousand dollars, this, with the other additions which would be derived from the bill, might be estimated at 650 thousand dollars.—Add to this, a stamp tax, which would be preferred to a direct tax, would bring in a sum to make up the 1,000,000 dollars per annum, which would be the sum wanted in the year 1801, to meet the payment of the deferred stock:—Let us now, said he, begin to draw forth the revenue, and purchase in this stock. The sum expected to arise from the sale of our lands will greatly diminish the debt; but, by holding out the idea of a land tax they would injure the sale of the lands, as the monied men would not invest

their capitals in lands, fearing the land tax: they would vest their money in the public funds; and live on the interest thereof. We cannot therefore, said he, come at their money otherwise than by taxes on consumption; by excises, customs, stamps, and the like. A land tax, said Mr. W. would not operate well in this country, and will cost too much in its collection. In England, when at four shillings, it neated only £. 2,000,000 annually. The stamps £. 1,329,905 annually, at the expence of £. 51,691 so that the neat revenue on stamps was £. 1,278,214.—The average of the national revenue of Great-Britain for five years, commencing with the year 1786, and ending in 1790 inclusive, was £. 17,353,465. Hence the stamp duty amounts to about one-fourteenth part of the revenue. Were we, said he, to raise the like proportion to our present revenue, it would amount to 500,000 dols. but, suppose we raised half that sum, and corrected our excise, with the additional duties now contemplated, we could meet the exigencies of government without a direct tax.

Although a stamp tax would sound unpopular, yet it would be met with less difficulty than a land tax. In the first place, it would reach the monied man, and the litigious, as all law proceedings and the like, would be taxed. Taxes in England, he observed, were very various; much more so than in any other country, especially in the articles of excise and stamps; taxes in England was, according to their population, much greater than in any other country, yet borne by the people with much more ease, because the taxes were laid on so many different objects. The mere circumstances of taxes being numerous in order to raise a given sum, is a considerable step towards equality in the burden falling on the people.—A good system of taxation was that which bore lightly on an infinite number of points, heavily on none.

On motion of Mr. Henderson, the yeas and nays were then taken as follows:

Y E A S.

Theodorus Bailey,
Daniel Buck,
Demsey Burges,
Joshua Coit,
James Davenport,
Abiel Foster,
James Gillespie,

Roger Griswold,
William B. Grove,
Robert Goodloe Harper,
John Hathorn,
Thomas Henderson,
James Holland,
Andrew Jackson,

Aaron Kitchell,
 Samuel Lyman,
 Elifha R. Potter,
 John Reed,
 John S. Sherburne,
 Tompson J. Skinner,
 Nathaniel Smith,
 Israel Smith,

Isaac Smith,
 Zephaniah Swift,
 George Thatcher,
 Richard Thomas,
 Mark Thomson,
 John E. Van Allen,
 Peleg Wadsworth, and
 John Williams. 30.

N A Y S.

Abraham Baldwin,
 David Bard,
 Thomas Blount,
 Theophilus Bradbury,
 Richard Brent,
 Nathan Bryan,
 Samuel J. Cabell,
 Thomas Claiborne,
 Isaac Coles,
 William Cooper,
 William Craig,
 Samuel W. Dana,
 Henry Dearborn,
 George Dent,
 George Ege,
 William Findley,
 Dwight Foster,
 Jesse Franklin,
 Albert Gallatin,
 Ezekiel Gilbert,
 Nicholas Gilman,
 Henry Glenn,
 Chauncey Goodrich,
 Andrew Gregg,
 Carter B. Harrison,
 Thomas Hartley,
 Jonathan N. Havens,
 John Heath,
 William Hindman,
 George Jackson,

John Wilkes Kittera,
 George Leonard,
 Matthew Locke,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 James Madison,
 Francis Malbone,
 John Milledge,
 Andrew Moore,
 Frederick A. Muhlenberg,
 William Vans Murray,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 Josiah Parker,
 John Patten,
 John Richards,
 Robert Rutherford,
 Samuel Sewall,
 Samuel Sitgreaves,
 Samuel Smith,
 William Smith,
 Richard Sprigg, jun.
 William Strudwick,
 John Swanwick,
 Philip Van Cortlandt,
 Joseph B. Varnum,
 Abraham Venable, and
 Richard Winn. 60.

The proposed advance of the ten per cent. class of goods is accordingly done away, and the advance is made only up-

on the white cotton goods. The bill was ordered for a third reading to-morrow.

On motion of Mr. Harper, the House then resolved itself into a committee of the whole, on the report of the select committee on the resolution sent from the Senate, authorising the President to make enquiry of certain States, whether they had adopted the proposed amendment to the constitution with respect to the suability of States.

The select committee did not confine themselves to this single amendment, as reported from the Senate, but went back to the year 1789, when twelve amendments were proposed by Congress; for though they state eleven States out of fourteen had ratified ten of these amendments in the year 1791, yet they were of opinion, that a doubt might arise whether eleven States ought to be considered as the three-fourths of fourteen; they, therefore, wished the President to be requested to make enquiry also from the non-ratifying States on the subject of those ten amendments.

Mr. Nicholas said, the resolution of itself was only exceptionable as it had connection with the statement which went before it, in which it was made a question whether the ten last amendments of the twelve proposed by Congress to the States in March 1789, were ever made part of the constitution. He did not wish a doubt to be expressed on this subject. This doubt in the opinion of the committee, it seemed, rested on a supposition that eleven were not three-fourths of fourteen. He could not conceive how any doubt could arise on this subject, since it must be acknowledged by every one that 11 was more than three-fourths of 14. If the objection arose from 14 not being divisible in equal fourth parts, it was an objection to the constitution as originally made. It was formed by thirteen States, which was no more divisible into fourths, than 14. On this ground, an amendment could never have been made to the constitution. He hoped the chairman of that committee would give them some information on the subject.

Mr. Harper said it was not of much importance whether the committee had doubts, or whether those doubts were well founded. The committee stated they had these doubts. He had them; not whether 11 was three-fourths of 14, according to arithmetical calculation: every school boy knew, that in that view, 11 was more than three-fourths of 14; but it was, whether you could make a division of States. He believed it could not be done; he believed there must be

twelve ratifying States, to be three-fourths, as intended by the constitution, because that number would be three-fourths of sixteen, which was the nearest number to fourteen capable of four equal divisions. Whether this doubt was well founded, or not, there could be no harm in directing the enquiry to be made; it would be made as soon for thirteen amendments, as for one, and if any other State should have ratified the ten amendments, in question, all doubt would be removed. Mr. H. noticed an error or two which had escaped the committee in the report.

Mr. Gallatin said, the resolution under consideration went to direct the President to apply to all those States, by whom as far as can be known from the official documents heretofore transmitted, all or any of the amendments at any time proposed by Congress, still remain to be ratified. There could be no occasion to make the enquiry with respect to all these amendments, unless it were taken for granted, that none of them had yet been ratified. He was therefore of opinion with the gentleman from Virginia, that such an application would be very improper, as bringing the ten last amendments into doubt, which he believed to be as much a part of the constitution, as any other article in it; he also thought them a very valuable part, and not to be trifled with.

But, upon what ground, said Mr. G. do the advocates of this report, prove that 11 is not the three-fourths of 14? The idea was so novel, that he could scarcely understand what principle they adopted in order to create a doubt on their minds on this subject. To him the position that 11 was more than three-fourths of fourteen appeared to be one of those self evident axioms which hardly admit of a proof. The principle on which the doubt arose must be so very nice, so abstract that he did not know whether he was capable of comprehending it. Anxious as he was to avoid saying any thing which might be construed as misstatement, he would however attempt to analyze what he conceived to be the ground of the gentleman from South Carolina, (Mr. Harper.)

It appeared to him that that gentleman thought that three fourths in itself was not a fraction of the unit, was not a number conveying to the mind the simple idea of a fraction; but that it was a compound of fractions, and that the only way by which the idea of three fourths could be conceived was by a decomposition. Because the idea of three fourths was by our numerical arithmetic expressed by the two

figures $\frac{3}{4}$ that gentleman was unable to conceive what it meant except by decomposition, by dividing the unit into four equal parts and multiplying the result by 3. And if that idea of three-fourths had happened to be expressed by the fraction nine-twelfths (which was the same thing as $\frac{3}{4}$) that gentleman could not have conceived it except by dividing in the first place the unit into twelve parts and then multiplying the result by nine. In fact he denied the existence of any number, part of a unit, except as it consisted of an aggregate of such parts as the unit could exactly be divided into.

Thus, when speaking of fourteen States, although he (Mr. Gallatin) could at once understand that three-fourths of fourteen was ten and a half, and therefore (admitting, as he did together with that gentleman, that the vote of a State was indivisible) that eleven States were more than $\frac{3}{4}$ ths of the fourteen, the gentleman from S. Carolina proceeded in a different way. The fourth part of fourteen being $3\frac{1}{2}$, he says that as a State cannot be divided, you must take 4 States instead of $3\frac{1}{2}$ for the fourth part of 14, and then multiplying those 4 States by 3 in order to get the three fourths, he concludes that twelve States are the $\frac{3}{4}$ of 14, that 12 States out of 14 are necessary to ratify the amendments. He believed the gentleman would allow that he had not mistated his opinion.

Let us now see, said Mr. G. how this doctrine will operate. It would go to prove, in some instances that three-fourths of a number is greater than the whole. Suppose for instance the case of five States. One fourth of five is $1\frac{1}{4}$; but as the vote of a State cannot be divided, you must call it 2; or, as the gentleman expressed it, 5 not being divisible into four equal parts, you must take the nearest number to 5 capable of such division, that is to say 8, the fourth part of which is 2; two, therefore, must be considered as the fourth part of five States, and as three multiplied by two is six, it follows according to that gentleman's doctrine that the three-fourths of 5 is 6! Suppose that in the constitution, instead of the expression three-fourths, it had been said that nine-twelfths were necessary. The number of States when the constitution was framed was thirteen. In that case one-twelfth of 13 being $1\frac{1}{12}$, you must, the vote of a State being indivisible, call it 2; so that in that way of reckoning, nine-twelfths (which is the same thing as three-fourths) of 13 is 18! Consequently, the consent of 18 States would have been ne-

cessary in order to ratify any amendment to the constitution of a nation consisting only of 13 States.

Let us, said he, examine a little farther. The same part of the constitution which provides for amendments of the constitution, says, that an amendment shall be proposed by two-thirds of both Houses of Congress; but he supposed the vote of a man was no more divisible than that of a State. He wished to know therefore, how the gentleman would on his principle calculate what were the two-thirds of the members present when their whole number was not divisible by three.

In making treaties he wished to know what was meant by two-thirds of the members of the Senate present? If the number present happened not to be divisible by three, would that gentleman say, that, in that case, the next number above the number present must be taken, which would be divisible by 3, and that if two-thirds of that number did not concur in the vote for the treaty, no treaty should be ratified? On that principle, in some instances, a greater proportion of the Senate would be necessary to ratify a treaty, than had been usually understood according to the generally received opinion of the sense of the constitution in this respect.

Upon the whole, he believed it would be best to reject the report, as, besides the objections alluded to, it was confessedly inaccurate in some of its parts, and adopt the resolution sent from the Senate, which applied only to the amendment respecting the suability of States. If the house meant to go any further, they might introduce the first and second amendments proposed at the same time with the other ten, but which had not yet been ratified.

Mr. Harper said, he would add a word or two to what he had already offered on this subject. He did not know whether the house thought with him on this subject, that it was a doubtful point whether the ten amendments in question had been ratified according to the sense of the constitution. If they did, they would of course vote for the report.—The gentleman from Pennsylvania he acknowledged, had not only shewn his knowledge in Arithmetic, but also his Wit, which had not until now been brought before them. In the enjoyment of the last he had participated in common with the house.

Mr. Dayton (the Speaker) was in favour of rejecting the resolution reported by the select committee, as it embraced

two many objects, and held out a kind of invitation for States to come forward and propose amendments to the constitution. He trusted the first of the amendments, proposed in 1789, relative to the proportion of representation, never would be agreed to, as it would have extremely mischievous effects. Indeed, if any thing were done with respect to that amendment, he should think it ought to be to request those States which have not adopted it, not to do it, and that those who have agreed to it, to revoke their vote in favour of it.

The resolution reported was negatived, without division, and that sent from the Senate was agreed to.

Penalties.

The house resolved itself into a committee of the whole on the bill to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned.

Mr. Livingston said, he had doubts whether they were not, by this bill about to place in the hands of the Secretary of the Treasury, legislative business. He had other doubts upon the subject, and in order to gain information, and bring on a discussion, he would move to strike out the first section of the bill.

Mr. Sitgreaves did not know what information the gentleman from New-York could expect from a discussion of this bill. He would give him all the committee had in their possession. A power similar to that proposed now to be lodged in the hands of the Secretary of the Treasury, he had had from the commencement of the present government. It was a power co-existent with the revenue laws, and the bill before them was copied from an act of the first Congress. The law was limited to two years. It had been renewed three or four different times; but, as in process of time, Congress found themselves obliged to have recourse to different objects of taxation, it was found necessary to extend the power of the Secretary of the Treasury to other cases, and wherever taxes were laid, he had the power given him of remitting penalties. In some cases, this power was supposed to have been omitted to be given, and a committee was appointed to examine into the subject. They found provisions on this subject in different laws, and some of them in the body of laws, where no such thing could have been

expected. Some of them had been entirely overlooked by committees, and by the judiciary department; for it was extraordinary, that upon a petition lately presented, the district judge had put an endorsement upon it, that though he thought the case a hard one, he had no power to give relief, notwithstanding there was an act passed in 1794, which gave this power. The intention of this bill, Mr. S. said, was not to create any new principle; it was not to give any power to the Secretary of the Treasury which he did not before possess, but to collect together all the different laws on the subject, and to extend it to one or two instances which were not at present comprehended in existing laws, viz. to the registering and licensing of vessels, &c. on the subject of which the time of the house had been considerably occupied by petitions for remissions of forfeitures.

Mr. S. did not know that there was any thing dangerous in the principle; he did not expect to have had it called in question. It had been well asserted by his colleague, (Mr. Gallatin) on another subject, that there was naturally a bias in the mind of the Secretary of the Treasury, in favour of keeping up the revenue, and that he would therefore add to, and preserve it by all constitutional means in his power. There would, therefore, be no danger in placing the power of remitting fines in his hands.

Mr. Livingston said, he knew there was a law similar to this in existence; but what he wanted was a discussion upon the principle of the law. He believed the power they were about to give to the Secretary of the Treasury, was lodged in them, and that they had no right to delegate it to another. The gentleman from Pennsylvania had said, that the placing of this power in the hands proposed, would keep from that house a number of petitions on the subject of penalties and disabilities, which would otherwise engage their attention every session. But was this, he asked, what their constituents sent them there for? Were they to get rid of business, by throwing it upon their officers? He believed not; he thought this was a business which they ought themselves to do. At any rate, he did not think it should be placed in the hands of any one man. "Any forfeiture, penalty, or disability," were very extensive words, and it was not easy to see all the cases to which they would go. Mr. L. said, he recollected a particular case, where an owner of a ship had not duly registered her: He was himself upon the committee, and the person came before them on the sub-

ject. Relief was granted; but it was strongly impressed on his mind, that the house was not inclined to give it in future. If, on any future occasion, a similar case should come before them, the house would determine according to the circumstances of the case; but, if they delegated this power to an officer, what an influence it gave him: Suppose a number of rich, influential merchants had been guilty of a breach of law, what an influence would it give to an officer, to put it in his power to remit the penalty attached to the offence. He thought it too extensive a power to be placed in the hands of any individual, and hoped, therefore, the law would not pass so hastily as it seemed to be the wish of its advocates to pass it.

Mr. Ames said, it appeared to him that gentlemen would be reduced to the necessity of considering the alternative which should be presented to the house with respect to the revenue laws, viz. either to make them loosely, and give considerable discretion to the officers in the execution of them, or make the rules so strict as to be in some degree rigid. If this latter plan were adopted, it would be necessary for them to provide some relaxation in cases which might bear hard upon individuals. He thought the latter the best mode. The British government had adopted this mode; they made their law very strict; but they gave a board of excise power to relax in cases of hardship. This was a delicate power; but it was necessary to reside somewhere. And he believed it would be better placed in one of our Executive offices, from several considerations, than that house should exercise it, if it were only to prevent that sort of local sympathy which could not be prevented from entering, if persons were to come forward with their cases before them. For, when one of their constituents presented a distressed case, he relied upon it, as a matter of course, that he would have the support of his own Representative. He believed this was a safe reliance, and how were the house to guard against the influence which would be thus raised in behalf of every petitioner who might come forward; for having once granted relief, it would be pleaded as a precedent, and any one who came before them must be attended to.

But an objection to placing this power in the hands of the Secretary of the Treasury had been brought forward, and much relied on. It was said to be legislative, and not executive business. He differed entirely from this opinion.

They made rules under which to collect the revenue; but to judge whether a man came under them or not, was executive business. To apply the law which they themselves made, would be to confound the legislative with the executive powers. It was, therefore, proper, from every consideration, that this remission of forfeitures, should be left in executive hands, who would be responsible for its due execution.

Mr. Swanwick said, though he was one of the committee who brought in the bill, he doubted whether the power proposed to be placed in the Secretary of the Treasury, were not too large to be put into the hands of any one person; he should be rather in favour of fixing upon a board for this purpose. He did not know that they were under the necessity of passing the law this session; if not, a plan of this kind might be devised at the next.

Mr. Coit thought it would be best to pass the law as it was, but with limitation. He thought if the gentleman from New-York had attended to the business, he needed not to have been quite so much alarmed on the occasion. On the adoption of the present government, it was found impossible to get along, without having a power placed somewhere to remit penalties. He believed the experience of other nation, had shewn the necessity of this. The first mitigation law was passed in the year 1790. No better mode could then be thought of than placing the power in the hands of the Secretary of the treasury; but the legislature seemed to have had some doubts with respect to the propriety of the law, as they only gave it a temporary existence. It had, however, been renewed from time to time. Perhaps it might be better, he said, to fix a board for the purpose; but there was no time for doing that at present. The only question for the present was to pass the act, leaving the system open for improvement at any future day, whenever it could be done.

A motion was made for the committee to rise and negatived 37 to 30.

Mr. W. Lyman thought this power too great to be left to any one man. He thought it would be much better to have no law on the subject than to pass it in this way; a bad law, he said, would be worse than any evil which could arise from the want of a law.

Mr. Livingston enquired whether the word Disability was in the old law.

Mr. Sitgreaves said it was not; it was introduced to cover cases respecting the registering of vessels, &c. which were now added to the act.

Mr. Livingston said, that word considerably extended the power proposed to be given to the Secretary of the treasury, which was not, as has been supposed, of a judicial nature. It was not to enquire whether a person was subject to the penalty of our law, it was a question whether a penalty incurred ought to be remitted, as far as it respected a particular individual, it was not, therefore a judicial, but a legislative question. If it were a judicial power, it could not be vested in the Secretary of the treasury; and if Legislative, it should not be transferred from their hands. He said it was a sort of legislative business which they themselves should execute; but if the number of claims was too great to be attended to by the legislature, it should not be put into the hands proposed, but a board should be organized for the purpose, from whose judgment there should be an appeal. But, as the bill stood, it was leaving all to the judgment of one man; it was a power of a magnitude which the house, he thought, were not aware of. The gentleman from Massachusetts, Mr. Ames, had asked how they were to guard against the local sympathies which would arise in that house, if the business was left to them; but, said he, if this be difficult in such a body as ours, how much more difficult would it be for an individual to do justice in all cases, from whose judgment there was to be no appeal? When he first rose, he did not see all the length which this power would go; but the more he investigated it, the more objectionable it appeared.

Mr. Ames thought himself bound to say the subject was not without difficulties; but they did not get rid of these difficulties by doing the business themselves; for he did believe that the operation of local prejudices and favouritism would be greater in that house than in an individual. But waving this argument, he asked, whether the gentleman last up could suppose that any thing like system could be expected in a popular body, whose proper business was to make laws, on a subject of this kind? If it was their business to make laws, why not make them perfect at first? This was found to be impossible, since cases arose which it was not in their power to foresee, and which could not be provided for, except they were to provide as many laws as there were passions in the human frame. It was somewhat difficult to say, of what

description the power proposed to be lodged in the Secretary of the treasury was; it was neither judicial nor legislative; it seemed to be more properly of the nature of a chancery power. It was a power, however, which must somewhere exist, if their laws were made strictly. The question was, where shall it be placed? As he had before said, he did not think it would be well placed in that house; it would be to dirty their fingers. He did not suppose, indeed, that gentlemen would be bribed; yet, though they were not influenced by money, still there would be a sort of influence which could not be prevented; for if one of his constituents were to come to him and request relief, he should find himself necessarily interested in his behalf; but if this power were placed in one of their officers, or in a board, there would be a responsibility which would be some sort of security for proper conduct. He, therefore, preferred that mode.

Mr. Coit moved an amendment, limiting the continuation of the bill for two years.

Mr. Sitgreaves was opposed to the limitation.

Mr. Swanwick was in favour of it; as he thought the shortness of the time for which the bill was enacted, was the only thing which would make it in any degree palatable.

The committee rose; and when the question was about to be put on the bill's going to a third reading.

Mr. Livingston moved that, instead of the power being lodged in the hands of the Secretary of the treasury, it should be placed in the Vice-President of the United States, the Secretary of the treasury, the Secretary of State and the attorney general. No gentleman, he said, had shewn the propriety of placing all this power in the hands of one person; he thought therefore, it would be safer in those of four or five, as there would be a better guard against local affection or favour; for, notwithstanding what had been said to the contrary, it was certainly more difficult to influence several men than one man.

The question was put, and this amendment was negatived, there being only 19 votes in its favour. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. Sitgreaves gave notice that he should to-morrow call up the bill for the accommodation of the President.

Adjourned.

Dr. { ACCOUNT of RECEIPTS and Ex-
commencing on the 1st day of October, 1795,

For amount of Expenditures during said period
under the following heads, viz.

	Dols.	Cts.
Civil department	438,217	67
Military department	1,263,275	69
Diplomatic department	69,388	89
Miscellaneous expenses	29,445	03
Contingent charges of government	13,518	97
Support and erection of light-houses	39,927	81
Interest on domestic loans	324,500	
Trade with the Indians	50,000	
Naval department	310,906	07
Fortifications of ports and harbours	40,788	70
Military pensions	97,367	45
Annuities and grants	2,652	21
Interest on domestic debt, &c.	2,808,200	24
Mint establishment	46,330	19
Dutch debt	991,649	47
French debt	181,500	
Debt due to foreign officers	19,149	93
Payment for unclaimed merchandize	50	72
Protection of American seamen	5,000	

Temporary Domestic Loans, viz.

1796, August 18. On account of the loan of 523,500 dollars obtained of the Bank of the United States the 25th May,	
1792	120,000
Appropriation for carrying into effect the treaty between the United States and the king of Spain	4,030
Appropriation for carrying into effect the treaty between the United States and the king of Great Britain	7,555 54
Appropriation for carrying into effect the treaty between the United States and certain hostile Indian tribes, north-west of the river Ohio	9,500

Balance in the Treasurer's hands on the 30th Septem-
ber, 1796 - - - - Dollars, 1,045,212 13
From which deduct warrants remaining unpaid
on that day, which are charged as expendi-
tures in this statement - - - - 6,918 62

The balance subject to warrants on the 1st of October, 1796,
therefore was - - - - 1,038,293 51

Carried forward 7,911,248 20

PENDITURES of the United States, } Cr. and ending on the 30th September, 1796. }

Dols. Cts.

By balance in the hands of the Treasurer, on the 30th September, 1795 - - - - Dollars, 447,271 91

Deduct warrants drawn on him previous to the 1st October, 1795, which remained unpaid that day - - - - 77,445 62

Balance subject to warrant on the 1st October, 1795, 369,826 29

Monies received into the Treasury as follow:

For duties on merchandize and tonnage, in the quarter ending

31st December, 1795	-	-	1,354,915
31st March, 1796	-	-	1,177,882 13
30th June, ———	-	-	1,680,128 25
30th Sept. ———	-	-	1,923,011 26

6,135,936 64

For duties on spirits distilled in the United States, and on stills; on sales at auction; on licences for selling wines and spirituous liquors by retail; on carriages for the conveyance of persons; on refined sugar, and on snuff and snuff mills, in the quarter ending

31st December, 1795,	-	-	127,239 18
31st March, 1796,	-	-	119,458 75
30th June, ———	-	-	97,151 95
30th Sept. ———	-	-	125,729 43

469,579 31

For postage of letters, in the quarter ending

31st Dec. 1795,	-	-	———
30th March, 1796,	-	-	18,760 27
30th June, ———	-	-	12,149 57
30th Sept. ———	-	-	28,000

58,909 84

For dividends on capital stock in the bank of the United States, due the 31st Dec. 1795, - - 80,000

30th June, 1796, - - 80,000

160,000

For fees on letters patent, in the quarter ending the

31st December, 1795,	-	-	90
31st March, 1796,	-	-	360
30th June, ———	-	-	330
30th September, ———	-	-	480

1,260

Domestic Loans.

In the quarter ending the 31st December, 1795, on account of the loan of 500,000 dollars, per act of 3d March, 1795, - - - - 500,000

In the quarter ending the 30th September, 1796, on account of the loan of 320,000 dollars, per act of 31st of May - - - - 120,000

620,000

Carried forward, 7,815,512 8

Doll. Cts.
Brought forward 7,815.512 8

Balances due the United States under late government.

In the quarter ending 31st Dec. 1795. From James Lovell, receiver of continental taxes for the state of Massachusetts—Balance due by him 1,766 04

In the quarter ending 31st March, 1796. From Edward Carrington, late deputy quarter-master general, for public property sold - 375

In the quarter ending 30th June, 1796. From Rufus King, on account of balance due by John Alsop and others - 2,871 15

Edward Carrington, late deputy quarter-master general, for public property sold - 629 34

3500 49

In the quarter ending 30th Sept. 1796. From the trustees in behalf of the creditors of Thomas Huggins, deceased, late commissary of purchases in the state of Maryland

1,178 25

6,819 78

Re-payments.

In the quarter ending the 30th June, 1796. From Samuel A. Otis, balance of monies advanced him for paying the compensations due to the Senators of the United States - 4,088 55

In the quarter ending 30th September, 1796. From John Jay, late envoy to the court of Great Britain, balance due by him - 496 09

4,584 64

Cents and half Cents coined at the Mint.

In the quarter ending 31st March, 1796 - 3,058
30th June, - 2,923 70
30th September, - 300

6,281 70

Funds arising from six per cent. stock loaned and purchased from the Bank of the United States.

In the quarter ending 31st Decem. 1795 - 51,300
30th June, 1796 - 26,750

78,050

Dollars 7,911,248 20

JOSEPH NOURSE, Register.

TREASURY DEPARTMENT,
Register's Office, 29th Nov. 1796.

Dols. Cts.
Brought forward 7,911,248 20

Dollars 7,911,248 20

Saturday, February 25.

On motion of Mr. Dwight Foster, the future time of meeting was fixed at eleven o'clock.

The bill for laying additional duties upon certain articles of impost, was read the third time, and, upon the question being put for its passing, it was carried by Yeas and Nays as follows :

Y E A S.

Fisher Ames,
Theodorus Bailey,
Abraham Baldwin,
Thomas Blount,
Theophilus Bradbury,
Daniel Buck,
Demsey Burges,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
William Findley,
Abiel Foster,
Dwight Foster,
Jesse Franklin,
Nathaniel Freeman, jun.
James Gillespie,
Nicholas Gilman,
Henry Glenn,
Chauncey Goodrich,
Christopher Greenup,
Roger Griswold,
Wade Hampton,
Robert Goodloe Harper,
Carter B. Harrison,
Thomas Hartley,
Jonathan N. Havens,
Thomas Henderson,

William Hindman,
Andrew Jackson,
Aaron Kitchell,
John Wilkes Kittera,
George Leonard,
Edward Livingston,
Samuel Lyman,
John Milledge,
Andrew Moore,
Anthony New,
John Nicholas,
Alexander D. Orr,
John Page,
Elisha R. Potter,
John Reed,
John Richards,
Robert Rutherford,
John S. Sherburne,
Tompson J. Skinner,
Jeremiah Smith,
Nathaniel Smith,
Israel Smith,
Isaac Smith,
William Smith,
Thomas Sprigg,
William Strudwick,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
Philip Van Cortlandt,
Peleg Wadsworth, and
John Williams, 67.

N A Y S.

David Bard,
 Nathan Bryan,
 Isaac Coles,
 George Ege,
 Andrew Gregg,
 John Hathorn,
 John Heath,
 James Holland,
 George Jackson,
 William Lyman,
 Samuel Maclay,

Francis Malbone,
 Frederick A. Muhlenberg,
 Josiah Parker,
 John Patten,
 Samuel Sitgreaves,
 Samuel Smith,
 Richard Sprigg, jun.
 John Swanwick,
 Abraham Venable, and
 Richard Winn. 21.

Mr. Williams laid a resolution upon the table calling upon the Secretary of the treasury, for information respecting the expenditure of certain sums of money mentioned in his late report to have been drawn from the treasury for defraying the expences attending the Intercourse with Foreign Nations. The reason of the motion, he said, was on account of the intricacy of the account of Mr. Randolph.

The order of the day on the bill for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned, was entered upon.

The bill having been read,

Mr. Livingston said, the precipitancy with which this bill was passed through the house, had given little opportunity to discuss its merits. There was a new expression in it, which was not to be found in any of the other bills, viz. *Disability*, which would have a very extensive effect. It could scarcely be the intention of gentlemen to give to the Secretary of the treasury the power to pardon crimes against the United States. Yet if this bill passed, the crime of Perjury might be pardoned by the Secretary of the treasury. It would also be in his power to pardon crimes of considerable magnitude, which disqualified persons from holding any office under government. A recurrence to the revenue laws would shew this to be the case. Time had not permitted him to go through the whole of the revenue laws, but he would enumerate a few instances upon which this power would operate. In the 14th section of the act for securing the duties upon foreign and domestic distilled spirits, it was enacted that no supervisor or collector should carry on any trade in any of the articles upon which a duty was laid; and

if any such officer should be convicted of so trading, he was to be disqualified for 17 years, and fined 100 dollars for every month he shall have been so concerned. By the 67th section of the act for providing more effectually for the security of duties on goods imported, it was enacted, that in all cases where an oath was required, if the person so swearing shall swear falsely, he shall pay a sum not exceeding 1000 dollars, or be imprisoned 12 months. He mentioned another instance or two of a similar kind.

By the bill before them Mr. L. said, wherever any person incurred any penalty, fine, or disability, the Secretary of the Treasury would have the power to remit them; he would not only have the power to do this, but also to pardon crimes, and perjury, after a person had been convicted by a jury of his country. Such was the power which they were about to put into the hands of one of their officers.

Mr. Coit said it was extraordinary that the gentleman from New-York should be so alarmed at this bill. He seemed to have attended to the subject, but not fully. This bill was in all respects the same as the old one, except that the word disability was added. Let us, said he, examine the cases where the Secretary of the treasury shall have power to remit. "Wherever any person shall have incurred any fine, &c. he shall profer his petition to the district judge, praying the same to be mitigated or remitted, the said judge shall enquire, in a summary manner, into the circumstances of the case, first causing notice to be given to the person claiming the fine, and to the attorney of the United States for such district, that each may have an opportunity of shewing cause against the mitigation or remission thereof, and shall cause the facts to be stated and annexed to the petition, and direct their transmission to the Secretary of the treasury, who shall have power to mitigate or remit, &c." If there should be any appearance of an intention to defraud, the penalties would not be remitted, but only where they shall have been incurred through ignorance or mistake. It was made the duty of officers to prosecute in all cases, and it was necessary, therefore, in some to remit the fines. However extraordinary the gentleman might think this power, it had been exercised eight years, and no material inconvenience had arisen from it.

Mr. Sitgreaves apologized for occupying the time of the house when it was so precious as at present; but he thought it necessary to say a few words in answer to the gentleman

from New-York. With respect to the power given to remit fines, &c. under the law laying a duty on spirits, and on goods imported, that power existed at this time. The bill before them would have no new operation on those cases. Nor would this bill by any means extend so far as to pardon Perjury or crimes of any description. Indeed it was worthy of observation, to see with what care the power was guarded. There was no reasonable ground of apprehension that favouritism could at all operate in this business; because the Secretary would only have power to pardon or mitigate after a petition had been presented to the judicial court, and the facts had been stated to him from a judicial enquiry; so that there could be no danger of his exercising the power improperly, as, in cases where there was any intention of fraud, penalties would not come to him for remission. If the gentleman could point out how crimes or perjury could be committed, without intention, there would be some weight in his argument, but not otherwise.

Mr. Livingston said, the answer which the gentleman from Pennsylvania had given to his objections to this bill, might appear to his own mind very compleat and conclusive; but they did not appear so to him. He told them the law now in force was in effect the same with the present bill, and yet he allowed that the word "disability," was introduced here, though not in former bills. He had shewn to what an extent this would lead, in pardoning crimes, Perjury, &c. But, say gentlemen, the Secretary of the treasury will have power to do this, only in certain cases, where the penalties, &c. have been incurred without intention of fraud. But who, he asked, was to judge of this? The Secretary of the treasury. Who was to call him to account, in case of improper conduct? Nobody. But it was said the matter must first undergo an examination of the district judge; but said Mr. L. in this case, he only acts as an instrument, and not as a judicial officer, since he only collected the facts and transmitted them to the Secretary of the treasury.

Mr. Nicholas said, there was more in the objections of the gentleman from New-York, than gentlemen seemed to answer. It was not answering those objections to say that the Secretary of the treasury would only remit fines when offences were not wilfully committed. The objection was, that he was set over the judicial power. There seemed to be another objection. The Constitution, he said, had given power to the President to pardon crimes. If remitting dis-

abilities were tantamount to pardoning crimes it was giving to another person a power which belonged only the President. But he doubted whether the mere removal of disability, could be considered as pardoning crimes. He thought they should be careful of introducing new words into laws, since, by doing so, too great powers might be given. He supposed there could be no objection to re-commit the bill, in order to alter it according to the old law.

The question on passing the bill was taken by Yeas and Nays.

Y E A S.

Fisher Ames,
Abraham Baldwin,
Theophilus Bradbury,
Daniel Buck,
Joshua Coit,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Nathaniel Freeman, jun.
Ezekiel Gilbert,
James Gillespie,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
Thomas Hartley,
John Hathorn,
Thomas Henderson,
William Hindman,
John Wilkes Kittera,
George Leonard,

Samuel Lyman,
Nathaniel Macon,
Francis Malbone,
John Milledge,
Andrew Moore,
Frederick A. Muhlenberg,
William Vans Murray,
Alexander D. Orr,
Josiah Parker,
Elisha R. Potter,
John Reed,
Samuel Sitgreaves,
Jeremiah Smith,
Nathaniel Smith,
Isaac Smith,
Samuel Smith,
William Smith,
Thomas Sprigg,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Peleg Wadsworth, and
John Williams,

N A Y S.

Theodorus Bailey,
David Bard,
Thomas Blount,

Nathan Bryan,
Demsey Burges,
Samuel J. Cabell,

Thomas Claiborne,
 Isaac Coles,
 Jesse Franklin,
 Albert Gallatin,
 Christopher Greenup,
 Jonathan N. Havens,
 John Heath,
 James Holland,
 Andrew Jackson,
 George Jackson,
 Edward Livingston,
 Matthew Locke,
 William Lyman,
 Samuel Maclay,

Anthony New,
 John Nicholas,
 John Page,
 John Patten,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Tompson J. Skinner,
 Israel Smith,
 Richard Sprigg, jun.
 William Strudwick,
 John Swanwick,
 Phillip Van Cortlandt, and
 Richard Winn. 34

Mr. D. Foster, from the Committee of Claims, to whom were referred the petitions of Griffin Griffith, of William Laken by Jeremiah Smith his attorney, of John Rearden, of Philip Tabor, and of John Wooton, made a report, which was read, and ordered to lie on the table.

Mr. Nicholas reported a bill authorising the receipt of Evidences of the Public Debt for lands of the United States. It was twice read and committed to a committee of the whole. The house went into a committee upon it, made a report, and it was ordered to be read a third time on Monday.

Mr. Swanwick reported a bill for the relief of John Brown, and another providing for the erection of certain buoys in and near the harbour of Boston, which were committed to a Committee of the whole on Monday.

Mr. Brent reported a bill for incorporating the Commissioners of the city of Washington, in the district of Columbia, which was disposed of in the same way.

On motion of Mr. W. Smith, the house resolved itself into a committee of the whole on the bill making an appropriation for the prosecution of the claims of certain citizens of the United States, for the property captured by the Belligerent Powers, Mr. Muhlenberg in the chair.

Mr. Gallatin called for the reading of the resolution which directed the bill to be brought in. It directed an inquiry to be made into the subject, and if it were found expedient to pay the expence incurred, to bring in a bill to authorize the expence; but the bill reported was merely an appropriation bill.

[The Resolution not being found, after a few minutes search]

Mr. Sewall said he was upon the committee who made this report. The committee did not think it necessary to go into the enquiry with respect to the propriety of the expence. From the report of the Secretary of the Treasury, it seemed absolutely necessary to appropriate the sum of 50,000 dollars. With respect to the expence to be incurred in this business, it was not likely to be very great, as our agent had orders to deduct the expence of every suit from the sum recovered. The committee had therefore reported a bill, which in the first paragraph, recognized the propriety of this business, legalized what had been done, and appropriated the money wanted for this year. This the committee thought fulfilling the business which was referred to them. The other question relative to the constitutional power of the President, might have led to considerable debate, without effecting any valuable purpose.

Mr. Gallatin called for the reading of Mr. Pickering's letter, of February 14, 1797. It was read. It stated that about 20l. sterling had been advanced to the Proctors on each cause; that the whole number of causes under Mr. Bayard's care in September last, was about 300; that the cost of each cause was estimated at about 250l. that it had been proposed to class the causes, and select one from each for trial; what the eventual cost to the United States would be was uncertain; as the expence was to be deducted from every cause which was successful; the expence of those which were not successful, would of course fall on the United States; and that provision should be made for this expence was indispensable, since Mr. Bayard had pledged the faith of the United States to discharge it.

The resolution which had been before called for was produced and read.

Mr. Gallatin said, it would be recollected, that the appropriation contained in this bill, was first brought in, in the general appropriation bill. It was struck out of that bill, and the resolution just read was entered into, in order, if the money was to be appropriated, that the expence should at the same time be authorized.

The first section of this bill was in the same form as a common appropriation, and the item might as well have remained in the general appropriation bill, as to have come in this form. The second section of the bill established the principle, and decided that the money which may be advanced by the United

States for paying the expence of the suits, should be refunded in a certain manner; but they have not decided upon the principle whether only a part or the whole of the expence should be paid. They have only authorized the President to appropriate the money, in the usual form of appropriations. They have said so much money shall be appropriated; the manner in which it should be applied was not determined. This was what was done in relation to the Algerine business, and what should be done in this case. He thought they should take the subject under consideration, and say how far they meant to go in the business. If they authorized the President to expend 50,000 dollars, as part of the expences, they should say whether they meant to appropriate for the whole expence to be incurred. The letter which had been read, informed them that our Agent, Mr. Bayard, had pledged the faith of the United States to defray the whole expence, and if they appropriated the money without authorizing the expence, they would recognize the power of the President, or of our agent, to do this. He therefore conceived, that the only way in which the business could be done was, to say how far they would authorize the President of the United States to pledge the faith of the nation. If they meant to defray the whole, to say so; if only part, to say so, and not appropriate 50,000 dollars, which would not be one-fourth of the expence, but which would acknowledge the thing itself. He wished the business to be done in a direct way.

Mr. G. said, he had mentioned the other day, that he conceived, that, under the general clause of appropriation for foreign intercourse, the President was authorized to apply the money thus generally appropriated, to that specific object and therefore he agreed with the committee in saying, in addition to the sums heretofore appropriated, &c. But let us, said he, inquire into the expence. They had been told, that in September last, that the whole number of cases was about 300, the cost of which would be, reckoning them at 250l. sterling each, 75,000l. sterling. At present, only 20l. sterling had been advanced on each, making a sum of 6,000l, there would, therefore, be wanting to complete the whole 69,000l. sterling. We might, said he, either declare our assent to it, merely because Mr. Bayard, or our executive, has pledged the faith of the United States, and therefore put us under the necessity of doing this act; or we might authorize the President of the United States, not only

in this case, but in all others under his direction. We might even go farther. It was well known that depredations had been committed upon the property of our merchants by another power. It was to be hoped that some amicable means of settlement would also be agreed upon with that power, for the purpose of gaining restitution to our citizens, and as the President had pledged the faith of the nation in the case of Great Britain, he might also do it with France. We might therefore, said Mr. G. adopt the principle that not having a naval power to defend our commerce, we meant to assist our merchants in getting restitution for the property which is from time to time taken from them by the Belligerent powers; or else we might say that we are not under the necessity of doing this; but that in this instance the faith of the United States being pledged, though without authority, yet being done, we found ourselves in some degree, under a restraint to pay the money. One or other of these opinions should be expressed. He had endeavoured to amend the bill; but he found it difficult to introduce the ideas he wished, by an amendment on the floor. He suggested the amendment he had thought of, but which did not altogether meet his ideas. He would rather introduce a new section than amend this. He therefore moved to strike out the first section of the bill.

Mr. Nicholas said, it appeared to him a very important business, independent of the two principles mentioned by the gentleman from Pennsylvania. They were called upon for an expence of 2 or 300,000 dollars, which was never before heard of, and for which they were told the faith of the nation was pledged. This he thought very extraordinary, and he had no doubt on his mind, that the President had no right to make this pledge.

He recollected when Mr. Bayard went from this country, it was at the beginning of a session of Congress; and if it was known during the sitting of Congress, that this expence was to be incurred, it was remissness in the President not to have informed them of it. If, indeed, this expence was contemplated, or the pledging of the faith of the United States, at that time, he did not think the legislature had been properly treated, or that the conduct of the executive was justifiable. He was not prepared to say, that the United States should be bound to pay the expence of prosecuting the claims of our citizens; but, as the faith of the nation was pledged to pay the money, (whether justly or not) he must say they were obliga-

ed to pay it—they had no choice—they must pay the money.

He thought the committee of commerce and manufactures had not reported such a bill as they ought to have done. He thought it should be re-committed. The report might be made by Monday. It was an important subject; and, if the session had been in an earlier stage, he should have wished to have made some enquiries from the executive on the subject; because he thought the legislature had great reason to complain of not being consulted on the occasion.

Mr. Sewall said, the two gentlemen last up had suggested several important questions as necessary to be decided; for his own part, however, whatever those gentlemen might think upon the business, he thought the President was justified in every thing he had done, under the power which was placed in him for regulating intercourse with foreign nations. The gentleman from Pennsylvania seemed to think that under this power, he had no right to intcrease an expence beyond the appropriation; but, he said if that power gave him authority to expend the money appropriated, it also gave him the power of expending whatever was necessary for that object. It was true, the house might refuse to appropriate for the expence after it was incurred; but if the President had any authority at all to enter into any pecuniary engagements, he must enter into such as appeared to him proper. In this case he thought the President had acted with peculiar propriety; for he knew nothing which was of greater importance with respect to foreign intercourse, than what related to the navigation of the high seas, the right of protecting which, was certainly vested in the general government. They were obliged either to authorise reprisals, or enter into such negociation and settlement with foreign powers who committed depredations upon our citizens, as would be likely to obtain redress for the injuries sustained. The President had chosen the latter way. He had called upon citizens to bring forward their claims; they were brought forward, and an agreement to a settlement of them, had been made a part of a treaty betwixt Great Britain and this country.

But say gentlemen, the expence should have been authorised by the legislature, and the committee, who brought in this bill, should have introduced a clause to authorise the expence, before they had appropriated the money. If this were the opinion of the house, they would act accordingly; they could approve or disapprove of the bill reported. If

they were to attempt to limit the power of the President of the United States in this respect, he believed it would interfere with a constitutional question, for the discussion of which he believed they had not time; however, if the house chose to instruct them to bring in such a bill, they could do it. If the committee had not done all that they were directed, they were not discharged, and could proceed in the business; they did what they thought was sufficient, in appropriating the 50,000 dollars wanted. If more should be wanted, a further appropriation would of course take place; if not, there was no occasion to settle any farther question upon the subject. And if the propriety of this expence involved a constitutional question, it might become a question whether the constitution should be altered in that particular.

But gentlemen said, this act might imply that the United States were bound to pay whatever the President of the United States, or his agents, might pledge the faith of the nation to pay. This act, he said, would not give the power to the President to bind the nation, if the power did not already exist in the President according to the constitution.

Gentlemen magnified exceedingly, Mr. S. said, the expence of this object. One gentleman had calculated it at 75,000l. sterling; another at 300,000 dollars. In order to make up this calculation, they reckoned 300 causes at 250l. each. The fact, as reported by the Secretary of State, was altogether different. He stated that as the full number of causes; but some of them had been tried, and the expence of trial repaid, which would be the case in all, where the captures proved illegal; so that, in his opinion, the matter, as a money question, diminished to a small sum indeed.

Upon the whole, he did not see that the committee had pledged the house to do any thing which was objectionable; and if they had not done enough, the bill could be amended.

Mr. Venable said, this business came before them last year, though not in the same form. They were then called upon for 20,000 dollars. It was not stated in the estimate what the money was wanted for. Some gentlemen undertook to state what was the object; they stated it as wanted to defray the expence of prosecuting the claims of our citizens. At that time the House refused to grant the money upon that ground. It was, therefore, brought in afterwards in a different form. It was always understood, Mr. V. said, that no money should be appropriated for any object, except

the expence was previously authorized by law; and though the gentleman from Massachusetts had said this expence was authorized under the general power given to the President to regulate foreign intercourse, he did not believe it. He had never been able to lay his finger upon that part of the constitution which could give colour to such a construction. Foreign intercourse, meant merely diplomatic intercourse, and it was wresting the words to extend them to any thing else. Should it be said, exclaimed Mr. V. that the President of the United States, had the power, whenever a vessel should be seized with contraband goods, to apply the public money in bringing the cause to trial? And could it be ascertained that three fourths of the vessels which had been captured by the British, were not legally captured, on account of their having contraband goods on board? Was there any principle upon which this could be ascertained? If not, he would ask upon what principles, government were to step in and pay the expence of prosecuting the claims of private individuals? The business did not come under the description of foreign intercourse, but was merely a question of commerce. This being his opinion, he never could agree to provide money for this purpose, unless a law was passed to authorize the expence, and he thought that all money heretofore expended on this business, was expended contrary to law.

Mr. Williams said, from the statement in the report of the Secretary of the Treasury, they found a letter to him from the Secretary of State, advising, that the public faith was pledged to pay the amount of the costs of the suits commenced, because it was necessary that our agent in England should procure securities for the costs in each case before the Courts of Admiralty, and Court of Appeals; that the whole number of causes in September last under his care was about 300; that £20. sterling had been advanced by Mr. Bayard, our agent, to each; that £80. sterling would soon be called for by the proctors for each cause, and that the amount of each cause was calculated at £250 sterling; that measures had been taken to class the causes, and in cases where costs only were in question, it had been agreed to be left to an arbitration. From this statement, he conceived, they must appropriate a sum equal to that for which the nation was pledged. He had only one objection to the clause, which was that of its being general, and which would include those who had carried on illicit trade, which ought not to be pro-

vided for. There was one thing, however, in our favour respecting this subject since Mr. King has been in London, our agent has been instructed to consult him in all cases. And the application of money in carrying on the suits, is wholly under Mr. King's controul. Hence from the ability of that gentleman, we may rest satisfied that causes arising from carrying contraband goods, will not be admitted by him, and we ought also to consider, in all cases of recovery, the agent has been directed to deduct the costs of prosecution; so that the amount will not be eventually so great as is by some imagined. Besides the want of money, to commence and carry on the causes may be the cause of losing much to our citizens; and, as we have no protection to our commerce, we ought to appropriate for the trial of all causes, where it should appear to have happened by the fair trader. We cannot expect, said he, to maintain our neutrality without some expenditures of this nature. He was opposed to the committee's rising. Whatever amendment was thought to be necessary, it could now be done, or a new clause substituted. With respect to the power of the Executive, he would only refer the committee to the act past last session on this subject, and he believed that would convince them that the President had been fully authorized for what he had done.

Mr. W. Smith said, he was much surprized to hear the gentleman from Virginia (Mr. Venable) declare that there had never been a determination of that house to grant money for prosecuting the claims of our citizens on account of the spoliations committed upon their property by foreign powers; he was the more surprized, because that gentleman had himself opposed the grant of money for this purpose at the last session, when notwithstanding the opposition, money was granted to the Executive for his express purpose.

Mr. Venable denied having said there was no law for the expending of 20,000 dollars.

Mr. W. Smith said he had clearly understood the gentleman. The fact was, the President had sent them a message at the last session, stating a deficiency with respect to the outfits of Ministers &c. but he added, in the message also that the extraordinary expences of foreign intercourse would require a farther sum; and in the estimate, after stating various sums which would be necessary for outfits, and the probable expence of obtaining papers, and *prosecuting the claims of our citizens*, he stated a deficiency of 23,000 dollars, which sum, after a long debate, in which there was considerable

opposition to the measure, the House voted the sum, thereby sanctioned the expence, and pledging themselves to furnish whatever further sum might be wanted for that object. It was extraordinary then that it should now be said, that this was never understood, and that the expence ought now to be legalized, before any farther grant was made. Such a difficulty might, indeed, have been brought forward at the last session, with some propriety; but having then authorized the expence, by passing a law, predicated on the estimate before their eyes, it was very extraordinary that gentlemen should now call the principle in question. At this late period of the session, to go into the business in the way proposed by the gentleman from Pennsylvania (Mr. Gallatin) would defeat the business entirely, and totally prevent our citizens from obtaining the advantages secured to them by the treaty, of obtaining restitution for the property which had been captured from them. It would certainly be best to appropriate the 50,000 dollars now asked for, and leave it to be hereafter determined what further sums should be appropriated for this purpose.

It had been stated by the gentleman from Virginia, (Mr. Nicholas) that the Executive was to blame for not having informed the house, when Mr. Bayard was sent to London, that it was intended to defray the expence of these suits. If there were any blame in this, it would certainly not fall upon the present Secretary of State but upon his predecessor. They found by the report of the Secretary of the Treasury, that Mr. Randolph had drawn from the Treasury as long ago as Feb. 1795, 10,000 dollars, for prosecuting appeals in England, and, in the same month, a farther sum of 10,000 dollars, and in the April following a farther sum of 10,000, making in the whole 30,000 dollars. But, says the gentleman, Mr. Bayard was appointed at the beginning of a session of Congress, and therefore Congress should have been consulted on the occasion; but it would be recollected that in 1795, they adjourned on the 3d of March, and 20,000 dollars had been drawn from the Treasury for this purpose in February, a short time before Congress adjourned, and 10,000 in April, after they were adjourned. The gentleman was therefore mistaken in saying Mr. Bayard received his instructions to pledge the United States at the commencement of the session, for the monies were not drawn from the Treasury till about the close of the session.

With respect to the objection, that by voting for this grant, they sanctioned the principle of paying the expence of prosecutions where the captures had been legally made, by reason of the captured vessels having had contraband goods on board, he did not think there was any weight in it, he was indeed not a little surprized to hear those gentlemen now state that there was a probability that a great part of the captures were legally made. On a former occasion, it was strongly contended by them that all these captures were violations of our neutral rights. It was possible, however, that some of the vessels captured, might have contraband goods on board; but he believed it would be the best way to leave the settlement of this business to our agent and minister in London. The object of sending Mr. Bayard to London, was, that he might superintend this business, and he doubted not that no cases of this kind would be brought to trial. Mr. S. then mentioned an instance wherein the President had exercised a similar power with the approbation of Congress though less in extent, which, he said, proved this was not a new business. He trusted the section would not be struck out; but if it could be amended satisfactorily he had no objection to amend it.

Mr. Venable said, the house refused to appropriate the money asked for; the estimate which the gentleman had read, came in afterwards. It was true that the house passed upon it; but that did not convince him of the propriety of the expence. But the gentleman had gone further, and shewn that 30,000 dollars had been drawn from the Treasury. He did not know by what authority this had been done. It was true they had appropriated a sum for the negotiation with Algiers, under the general head of Foreign Intercourse. Under this head, he believed, the sums in question had been drawn from the Treasury, though it was his opinion, and always had been, they were drawn from thence contrary to law, as the law appropriating a million of dollars for the treaty with Algiers, and did not contemplate any other expence. Besides, if we had heretofore appropriated money for this object it made no difference as to the propriety of making the present appropriation, which he could not consent to do until the expence was authorized by law. He thought the subject had never been so fixed as to warrant this appropriation. No government he said ever undertook to make good captures of the property of their citizens at sea. There might be instances, indeed, in which such

captures were legal ; and therefore, though he felt as much for these violations as any man until this matter was settled by law, and some greater check was put upon the expenditure of the money, he should never consent to an appropriation on this subject.

Mr. W. Lyman saw no difference betwixt the loss of individual property of real estate, and individual property lost at sea ; and if the United States were bound to make up the losses of one, he did not see what was to prevent them from being called upon to make good the other. Instead of their being 300 cases, he should not wonder to hear of 3000, if the United States undertook to defray the expences of every trial brought forward. There was no doubt, that in many of these cases, the prizes would be condemned as legal, in which case the United States would have to bear the whole of the expence ; besides, to adopt a principle of this kind, was holding out an inducement for persons to come forward, as, if nothing was gained, there was no risk of loss, since the United States were pledged for the whole expence ; and they might suppose, from a failure of evidence that their goods were contraband, they might stand a chance of recovering their property.

When the message of the President came before them relative to this business, Mr. L. said, the object of the expence was mentioned, but by the law the money was appropriated under the general head of Foreign Intercourse ; he supposed it was wanted to defray the expence of protecting our seamen. The house never sanctioned the payment of the expence of the law suits in question.

There might be difference of opinion with respect to the propriety of protecting the property of our citizens at sea ; but the situation of the business, as settled by treaty between Great Britain and this country put the question upon a different footing. Great Britain had authorized the persons who had sustained losses by the capture of their property, to come into their courts, and, if the property was captured contrary to law, they engage to restore it. Citizens had made their election ; they had petitioned for this treaty to be carried into effect, that they might receive back their property ; but where the United States, he asked, to bear the expence of their suits in doing this ? He could not agree to it.

So far as the United States might be pledged (though he did not think they were pledged) he would agree to appro-

priate, as far as the expence incurred; but no farther. These persons, he said, had relied upon the treaty to give them every thing, and he hoped they would get all they expected from it, but he did not wish the United States to be at the expence of their suits.

Mr. S. Smith said, the money which had been appropriated had been appropriated under the general head of Foreign Intercourse, and the President had disposed of it as he judged proper. But he said, an estimate was laid before them last session, in which it was said, that a sum was wanted for the purpose of prosecuting the claims of our citizens in the British courts. The gentleman from S. Carolina, Mr. W. Smith, first proposed 40,000 dollars should be appropriated for that purpose; afterwards 20,000 were agreed to, therefore, it was as well understood by the house to be appropriated for that object, as if the purpose had been mentioned in the bill. So he understood it, and so he voted for it.

The gentleman last up, he said, had changed his ground since the year 1794. He was then of opinion, with himself and many others, that the captures were illegal, and unjustifiable; nothing was then heard of their being justly condemned; that they might have had contraband goods on board.

Gentlemen said no other nation ever came forward to pay the expence of the law suits of their citizens in such a case. He believed not. Other nations had power to defend themselves; they had ships to enforce proper respect to their neutrality; but gentlemen object to our having this force, and therefore it was no more than reasonable that our citizens should have redress in another way. Nor did he know how they could get rid of the expence, since they had committed themselves. Not only their agent had pledged the faith of the nation; but they had pledged themselves in the business at three different sessions. They had given merchants to believe that they had taken the business into their own hands. If the President had done wrong in taking up the subject, it should have been corrected in its first stage; but, instead of that, appropriations had been gone into, and the business had been going on. Pains were taken to expend as little money as possible on the occasion, and if individuals had been obliged to prosecute their own claims, it would have cost them double the sum which had been estimated. The 300 causes which had been mentioned, included claims of every description, those determined by arbitration would

lessen the number. He had received a letter from the merchants at Baltimore, who had heard from Mr. Bayard, and it appeared that many of the causes were referred for settlement to Proctor Nicholas and Mr. Scott, men of great integrity and ability. This would greatly lessen the expence, and would never have happened had not government taken up the business. Citizens must either have gone through all the expence of the British courts, or have sat down with their losses. He should have chosen the latter, as the least of two evils.

Mr. S. said he was one of the sufferers from British captures. It had been generally supposed that he had lost a great deal of property by them; but he had not. He had recovered in every instance, having always been able to prove himself a native citizen of the United States. He had no claims now but for costs, which amounted to 16,000 dollars.

If government had not taken up the business, it would have cost the United States ten times as much as it would now do. Under these impressions, he had no doubt, the house would agree to appropriate the money required. If any other words were liked better than those at present in the bill, he should not be nice about any alteration, provided the money was given.

As to contraband trade, he did not think there would be many cases of that kind; for he did not believe that any man who had been engaged in that trade, would expose himself by making his claim; but there were many things which the British called contraband, which we did not allow to be so; but he thought this business might be safely left in the hands of Mr. Bayard and Mr. King.

Mr. Gallatin said there were two distinct questions; the one as to the propriety of incurring certain expences; the other relative to the power of authorising the expence. He was in hopes no other question than that of the propriety of paying the expence would have become a subject of discussion in this stage of the business. He thought the resolution which had passed that house, directing an enquiry into the propriety of bringing in a bill authorizing the expence, had shewn that the power was solely vested in the legislature to authorize it.

Two different grounds had been taken by gentlemen to support the opinions, that the United States stand pledged to pay the expence, and that therefore only an appropriation

was necessary. The gentleman from Massachusetts, Mr. Sewall, seemed to think there was an inherent power in the President, from his constitutional right of managing intercourse with foreign nations, to enter into a business of this kind, and that having the power, the necessary means must be furnished for carrying that power into effect. He seemed to think it involved a constitutional question to limit the power of the President in this respect; but he called upon that gentleman to point out to him that part of the constitution which gave to the President the power which he was inclined to give him. He knew that the constitution had given power to the President and Senate to make treaties, and that it had been contended they in that way could pledge the faith of the nation; he had never heard asserted before that the President, or his agent, had any power to do it. He knew also that the President had the power to appoint ministers, ambassadors, &c. but he saw no general power given to him by the constitution to carry on an intercourse with foreign nations, either directly or indirectly, which could warrant him in pledging the faith of the nation. Indeed he conceived the power of granting money to be vested solely in the legislature; and though according to the opinion of some gentlemen (though not in his) the President and Senate could so bind the nation as to oblige the legislature to appropriate money to carry a treaty into effect, yet, in all other cases, he did not suppose there had been any doubt with respect to the powers of the legislature in this respect.

The next ground was, that they had pledged themselves already to pay this expence; and, in support of this assertion, various arguments were produced. In the first place, it was said, having once passed a law to defray certain expences of foreign intercourse, and the President having the power of applying the money thus appropriated towards prosecuting the claims of our citizens under that general power, the object of expence had already been authorized. He could not believe this assertion was founded; he would look at the law which had been passed on this subject. He believed, indeed, that by the general manner in which the grants for foreign intercourse had been made, that the President had the power to appropriate it to that object, as far as the money would go; but he did not believe he had the power to go further. (Mr. G. here read an extract from the law). He said this million of dollars was not only granted generally to defray the extraordinary expences of intercourse with foreign nations,

but the law directed, that the money shall be drawn from the treasury on a bare certificate that it was wanted for foreign intercourse: This being the case, though probably it was not the intention of the legislature that the money should go to any other purpose than for settling a treaty with Algiers, yet, under the two circumstances he had mentioned, he believed the money might be legally applied to the object upon which a part of it had been expended.

But, although he believed that by appropriations made in this loose way, such an expenditure of money might be justified, yet he could not see any thing which could authorize the Executive to expend money beyond the appropriation, without a specific power given for the purpose.

But the gentleman from S. Carolina supposed this expence had been sanctioned last year, and, in order to prove his assertion, he had taken the estimate which had been laid before them. That estimate, he said, was conveyed to them in a message from the President dated May 28, and the law was passed on the first of June. Of course, no certain inference could be drawn from an estimate laid before them only three days previous to their adjournment, and which had been inserted as an additional clause in a bill, without having been printed. But what did that message say? It said 20,000 dollars were wanted for the purpose of prosecuting the claims of our citizens. No other information was given on the subject. They knew money had been expended in the West-Indies for getting certain papers relative to the captures; but, except this, they had no information. They had not, at that time been informed that the faith of the United States was pledged by the President for the payment of the expences attending the suits instituted for the recovery of our citizens property, and this act was now justified upon their having last session voted 20,000 dollars for this object, and thereby, it was said, pledged themselves to pay the whole expence. This argument shewed the necessity of being well acquainted with the extent of the object for which they appropriated, before they voted away the public money; for he supposed, if the money now asked, were granted, 15 or 20 months hence, they should be farther informed that Mr. Bayard had again pledged the faith of the United States for a farther sum, which must of course be paid. Therefore, he believed he was authorized in saying, that if the sum now asked for was granted without annexing a clause specifying the authority they meant to give, it would afterwards be said

that the whole expence to be incurred in the business had been legalized ; as a proof of this, gentlemen said that because 20,000 dollars were last year appropriated, the whole expence was sanctioned. This shewed with what caution it was necessary to act in a business of this kind.

Concluding as he did, that the United States were not pledged to pay this money; that whenever the President of the United States should undertake to pledge the faith of the United States, he thought he did it upon his own responsibility, and threw himself upon the mercy of the Legislature, who could approve or disapprove his act. If they meant to appropriate the money, it was necessary first to confirm what he had done; for if they appropriated the money, without this confirmation, they would act contrary to the constitution, they would suppose a power of so doing pre-existing in the executive.

As to the proposition for paying the expence of the suits in question, he was not well enough acquainted with the cases, to come to a conclusion upon the subject; he could not say, whether the President acted right or wrong in authorizing Mr. Bayard to pledge the faith of the United States to pay the expence; but he fully agreed with the gentleman from Virginia, Mr. Nicholas, that the legislature should have been informed of the transaction as soon as it had been done; and the remarks of the gentleman from South Carolina, Mr. W. Smith, with respect to the money being drawn from the treasury by a former Secretary, did not amount to any thing; they did not know the secretary in the business; they did not authorize the thing to be done; it was the President who gave the instructions. He conceived, therefore, that the President was chargeable with neglect for not having informed the legislature when the business was done; but, at present, the thing being done, although he saw many difficulties in the way; though illegal claims would be favored, and where they were so, the expence would fall wholly upon the United States, yet, he must confess, he agreed in a great degree in opinion with the gentleman from Massachusetts, Mr. Sewall, that they ought to assist, in a certain degree, citizens whose property had been captured by the belligerent powers, in their endeavours to recover it. He believed, in the situation they were in, the President of the United States having of his own accord, pledged the faith of the nation, though the legislature was not thereby pledged to find the money; yet he felt the propriety of doing it.

The motion which he made to strike out the first section, as going against the principle of the bill, might be effected in a more direct way, by the committees rising and being discharged from a farther consideration of the subject; and the bill being re-committed, in order to have a clause inserted authorizing the expence.

Mr. Harper believed, that if the object which the gentleman had in view was a proper one, it might be effected, without striking out the first clause, or the committee rising.

Mr. H. after going at some length into the business to prove the propriety of the President's having acted as he had done, concluded with agreeing that it would be well to pass a law authorizing the expence, but that it might be very well done by way of amendment.

The question for the committee's rising, was put and negatived, 44 to 42.

Mr. W. Smith said, he would make one or two observations in answer to the gentleman from Pennsylvania, Mr. Galatin. He did not think it was necessary, at this late period of the session, to go into a discussion of the constitutional powers of the President, as such a discussion might occupy the remainder of the session. He should not, therefore, take this ground because he had ground sufficiently strong without it. The President had certainly a right to do what he had done, if he conceived it indispensibly necessary for the public good; but submitting it afterwards to Congress to sanction the proceeding. They had already sanctioned what he had done, for the law of last session fully authorized the President to act in the manner in which he had acted. Indeed, upon the gentleman's own doctrine, he must vote for this appropriation, because he said, if they now voted for this money, they should stand pledged for the whole expence; now they had at the last session appropriated money on the same account, and therefore according to the gentleman's reasoning stood pledged to furnish the remainder. But how did the gentleman get over this difficulty? He said, as the papers alluded to came into the house only three days before the close of the session, they were not entitled to much consideration. According to this argument, all the laws which they might now pass, would be entitled to little weight, because there was not sufficient time to consider them fully. His next objection was, that the message had not been printed. He did not think that was necessary, since the whole item consisted but of three or four lines. The money was said to be wanted to defray the

expence of getting papers, and *prosecuting the claims of our citizens*. When this estimate was before them, they voted the money in question, they could not therefore, be ignorant of the purpose for which it was wanted.

It was well known, Mr. S. said, that when the appropriation for foreign intercourse was under consideration, he moved an additional sum of 40,000 dollars for contingent expences. He was called upon to explain for what this sum was wanted, when he informed the house it was necessary for defraying sundry contingent expences of foreign intercourse, but particularly for prosecuting the claims of our citizens, whose property had been captured by the belligerent powers. It was then objected, that the expence was not authorized; others thought the sum too much for the purpose; but the gentleman from Maryland, Mr. S. Smith, and the gentleman from Pennsylvania, Mr. Swanwick, who were well acquainted with the expensiveness of English courts of justice, said it was a small sum for that object. The house, however, refused to appropriate 40,000 and even 30,000, and agreed upon 20,000 dollars. The President two or three days afterwards sent them a message, saying, that it would be necessary that there should be appropriated a farther sum for defraying the expences of foreign intercourse, and particularly for prosecuting the claims aforesaid. On which estimate they passed a law granting the money by which vote they sanctioned the expence, and it was too late now to say it was a new subject. He therefore took it for granted, from the arguments of gentlemen themselves, that the house stood pledged to pay the expence.

Mr. Nicholas thought, what the gentleman last up had said about one part of the house thinking the sum which he had proposed to appropriate last session too large, and others too small, was a proof that they supposed the sum then asked for, was the whole of what would be required. And was there no difference, he asked, betwixt voting for 20,000 dollars, when it was supposed to be all that was wanted, and voting for 50,000, when they were told that 300,000 dollars would be necessary? besides it was establishing a principle to guide all future congresses. The first thing to be done, he said, was to sanction the expence; but, if there was a majority of that house inclined to vote against the business, they ought to do it without fear of offending any man. If the expence should be authorized, he would vote for the money, but not otherwise.

Mr. Buck hoped they should not take up their time at present, in discussing what were the powers of the different branches of government. It was not necessary for them now to enquire whether the President had a right to pledge the faith of the nation, or whether they had pledged themselves to pay the expence, or not. All that was required by gentlemen opposed to the question in its present form, seemed to be that the expence should be authorized. He thought there could be no objection to the doing of this, since if the President had the power, it would not be diminished by such a measure. The question was, whether it was expedient and proper to authorize this expence, and make the appropriation. If it were, and it would suit gentlemen to do the business better in this way, he hoped it would not be objected to, but that the bill would be amended and the appropriation made.

Mr. Sitgreaves said, he did not feel any of the scruples which many gentlemen had expressed respecting the form of the section in question; nor did he feel the least doubt of the legality of the President exercising a discretionary power, to do what he had done. He thought the discussion of such great constitutional questions, ought to be avoided as much as possible, particularly at a time like this, when we have so much to do, and so little time to do it in. It appeared to the opinion of the house that an appropriation should be made, he thought, therefore, that it could be easily done, as the mode, only, was the present subject, he therefore moved a resolution authorizing the President to prosecute the claims of citizens whose property had been captured.

Mr. Gallatin said, he had prepared a motion to that effect, but it did not please him; he had therefore now so amended it as he thought would answer every purpose. It was as follows,

Resolved.

“ That the President of the United States be, and he is hereby authorized to advance on account of the several prize causes, before the Court of Admiralty and Courts of Appeal in England, a sum sufficient to defray the cost thereof, so far as the Agent of the United States may have become surety for the same; and that for defraying the expences during the year 1797, and that which may be incurred in procuring from the Admiralty Courts of any of the Belligerent powers, copies of papers relative to the property of American citizens captured by any of the said powers, a sum not exceeding 50,000 dollars, shall be and is hereby appropriated.”

Mr. W. Smith rose to reply to Mr. Nicholas, who he said, had not rightly stated *his* observations, he had only noticed part of what Mr. S. said:—He said, that last session a certain sum was objected to as large, and a smaller agreed to by the house; but he also said, that two gentlemen, who had opposed the larger sum, after the message from the President informing the house it was too small, then voted for the larger. Mr. Smith did not object to the amendment.

The question was then put on Mr. Sitgreaves motion and lost. That on Mr. Gallatin's amendment was agreed to. The house then took it up, and the amendment being agreed to, the bill was ordered for a third reading on Monday.

On motion of Mr. Gallatin, the house resolved itself into a committee of the whole on the bill to accommodate the President of the United States, Mr. Muhlenberg in the chair: when

Mr. Henderson said, he wished for information on this subject, as he had not sufficient to convince him of the propriety of granting 14,000 dollars, in addition to the furniture now in possession of the President; he therefore moved to strike out the 14,000, for the purpose of inserting 5,000. The bill informing them that this sum, in addition to what might arise from the sale of such of the present furniture as may be decayed, out of repair, or unfit for use, was to be laid out in furnishing the household for the President. It was very lately that they had received a proposition from the Senate to advance the salary of the President 5,000 dollars; the bill was rejected by that house. It appeared to him that this bill went to effect the same thing in a different way. If the object was merely to furnish the household of the President, he thought a much less sum would be adequate to that purpose. He thought 5,000, with the proceeds of the sale of such of the present furniture, as was unfit for service, might be sufficient. He had no doubt that the sum would make the furniture of the President for four years to come, equal to what it had been for four years past.

Mr. Nicholas wished the gentleman would leave the sum blank, instead of inserting 5,000.

Mr. Henderson consented.

The question was taken, and negatived 42 to 39.

The committee then rose, and the house having taken up the subject,

Mr. Nicholas said, as a majority of the house was against striking out this sum, he wished to have some information why this sum was fixed upon, and for what purpose it was to be applied. No one wished more than he did to place the President in a situation conformable to his station; but, according to his information, this sum was more than was given to the present President on his entering upon the office, though there remained the whole of the furniture, most of which was worth as much at this time as it was when first purchased.

Mr. Sitgreaves said, he would give to the gentleman all the information which he had on the subject. In the year 1778 or 1779, by a resolution of the old Congress, an household was established for the President of Congress. This remained until the present government went into operation in the year 1789. It was then resolved, that Mr. Osgood should be requested to fit up the house in a proper manner for the reception of the President of the United States. In that year the law passed for compensating the President of the United States, which enacted that a salary of 25,000 dollars should be allowed him, together with the use of the furniture then in his possession, belonging to the United States. This furniture cost the United States 13,657 dollars, 83 cents. During the period from 1779, when the household was first established, until 1789, when the President of the United States entered upon his office, the furniture which had been purchased for the President of Congress, was so much decayed, that it required nearly 14,000 dollars to replenish it. It was the opinion of the joint committee, therefore, that in a lapse of eight years, viz. from 1789 to the present time, the furniture then purchased must have experienced equal dilapidation and decay, and that a sum at least as large as was then allowed (particularly when it was considered that the price of goods was very much advanced since that time) should now be allowed for putting the present household upon the same footing of respectability and convenience with that at New-York in 1789. Mr. S. did not know that he could give any further information on the subject. It was a matter of notoriety that a great part of the goods then purchased were worn out and destroyed; such as the household linen, crockery-ware, &c. and that the President had renewed them at his own expence; insomuch that if he were to take out of the house the furniture which he had supplied, there would little remain in it besides tables, chairs, bedsteads, and a few

such articles : since all the carpets and ornamental furniture of the house had been purchased by himself.

Whilst he was up, he would wish to obviate the only objection which had been adduced to this bill. The gentleman from New-Jersey, Mr. Henderson, had supposed that this allowance was meant to carry into effect what had been rejected in another way, alluding to the proposed advance of salary. That gentleman might see a very obvious distinction between the two things. If 5,000 dollars had been added to the salary of the President, he could have disposed of it as he pleased ; but the money now proposed to be granted, was to be employed in the purchase of furniture, &c. which would remain the property of the United States, and would devolve upon the next President. Mr. S. said, he would add, that in the joint committee there was not a dissenting voice to the proposition, and he hoped there would not be one in the house.

The question was put for engrossing the bill for a third reading, and carried, there being 50 votes in favour of it. This day and Monday were mentioned for the third reading, the question was carried for the most distant day, 40 to 35.

A message was received from the Senate, informing the house, that they had resolved that the bill allowing a drawback on domestic spirits exported by the Mississippi in vessels of less than 30 tons burthen, should be postponed till next session ; that they had passed the bill for the benefit of the widow de Neufville : the bill for allowing the Secretary of the Treasury to remit fines in certain cases ; the bill for continuing in force the laws against certain crimes committed against the United States ; and the Post Office bill with amendments.

A petition of Elizabeth Flagg was presented, praying a reconsideration of her claim, for her late husband's services. Laid on the table.

The Speaker laid before the house a letter from the Secretary at War, inclosing a list of invalid pensioners. Referred to the committee of claims.

The house went into committee on the bill to suspend in part the duties on snuff and refined sugar, and reported the same without amendment, when the house took it up, agreed to it, and ordered it for a third reading on Monday.

Mr. Brent reported a bill for incorporating the commissioners at the Federal City. Referred to a committee of the whole on Monday next.

Adjourned.

Monday, February 27.

The bill authorising evidences of the public debt to be received in payment for lands ; and

The bill for suspending the act for laying a duty upon snuff and refined sugar, were read the third time and passed.

The bill making an appropriation for prosecuting the claims of certain citizens of the United States, for property captured by the belligerent powers, was read the third time, and after a motion made by Mr. Kitchell to re-commit it in order to have introduced into it a provision against paying the expence of the trials in cases where the property was legally condemned, from the vessels having had contraband goods on board, which was negatived 54 to 27, it passed by yeas and nays as follow :

Y E A S.

Fisher Ames,
Abraham Baldwin,
Theophilus Bradbury,
Demsey Burges,
Joshua Coit,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
George Ege,
Dwight Foster,
Nathaniel Freeman, jun.
Albert Gallatin,
Ezekiel Gilbert,
Henry Glenn,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
Thomas Hartley,
John Hathorn,

Francis Malbone,
Andrew Moore,
Frederick A. Muhlenberg,
William Vans Murray,
John Nicholas,
Alexander D. Orr,
Josiah Parker,
John Patten,
Elisha R. Potter,
John Reed,
John Richards,
Samuel Sewall,
John S. Sherburne,
Samuel Sitgreaves,
Tompson J. Skinner,
Jeremiah Smith,
Nathaniel Smith,
Isaac Smith,
William Smith,
Richard Sprigg, jun.

Jonathan N. Havens,
John Heath,
Thomas Henderson,
William Hindman,
John Wilkes Kittera,
George Leonard,
Samuel Lyman,

Thomas Sprigg,
John Swanwick,
Zephaniah Swift,
George Thatcher,
John E. Van Allen,
Peleg Wadsworth, and
John Williams. 54-

N A Y S.

Thomas Blount,
Samuel J. Cabell,
Thomas Claiborne,
John Clopton,
Isaac Coles,
Henry Dearborn,
William Findley,
Jesse Franklin,
James Gillespie,
Christopher Greenup,
Andrew Gregg,
Wade Hampton,
Carter B. Harrison,
James Holland,

Andrew Jackson,
George Jackson,
Aaron Kitchell,
Mathew Locke,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
John Milledge,
Anthony New,
Robert Rutherford,
William Strudwick,
Abraham Venable, and
Richard Winn. 27.

Mr. A. Foster came in from the committee of enrolment, just as the clerk was about to state the votes, and wished to have been on the affirmative; but as he was not in the house to answer to his name when called, it was not allowed.

The bill to accommodate the President was read the third time; when Mr. Heath moved to have the bill re-committed, for the purpose of striking out 14,000 to insert 8,000. He thought 14,000 dollars too large a sum to be given to purchase new furniture; 8,000 he thought would be a sufficiently handsome sum for the purpose. They were apt, he said, to be too lavish with the public money on some occasions, and too sparing on others. He had not been satisfied with the reasons which had been given by the chairman of the committee, for giving the sum now in the bill. At a time when our treasury was so much in want of money, he did not wish so large a sum to be given for this purpose; nor did he think it necessary, except it were to put our President in the style of a potentate or prince. And this he was sure the President of the United States would not wish, as he believed he was a

gentleman of great economy, and would spurn at any thing like tinsel or expence. Five thousand dollars had been thought a sufficient sum for this purpose, but he was willing to give 8,000. He hoped the bill would therefore be re-committed, and this sum be inserted.

Mr. Macon seconded the motion for re-committing the bill. He was against it altogether. He did not see why they should furnish the house of the President, any more than that of any other of their officers. He thought the thing improper at first, and that it was wrong to continue the practice. If the salary was not large enough, it should be made larger, though he thought it sufficiently large.

Mr. Rutherford concurred with his colleague, Mr. Heath, in this business. It was necessary, he said, that republicans should be consistent. If we thus give away the people's money, said he, shall we not be charged with rapaciously putting our hands into their pockets? Have we not, added he, refused to redress grievances and injuries, and to do justice to many deserving and distressed citizens, because our treasury is low? And shall we now, when there is no right reason for it, lay hold of the public treasury, and lavish away 14,000 dollars. For what? For adding new furniture to the house of the President. No; he was willing to render him all possible respect; he remembered well his letter to our sister Republic of Holland. He had a pretty good memory. He remembered well his patriotism; but he saw no reason in giving him 14,000 dollars. He would give him 8,000, which he thought would be a very pretty compliment; but to give 14,000 would outrage every idea of that economy and republican simplicity, which ought to characterise the American nation. Why, said he, shall we, who are a confederacy of the democratic republics, everlastingly keep our eyes upon the pageantry of Eastern courts? Let us rather attend to our own character, than to that of any despotic nation on earth. He hoped the would be re-committed.

The question for re-committing was carried 45 to 40.

The house accordingly resolved itself into a committee of the whole on this bill, when

Mr. Heath moved to strike out 14,000 and insert 8,000.

Mr. Gillespie called for the estimate which he understood was in possession of the committee. Mr. Sitgreaves said there was no estimate before the house or committee. All that he had seen was a list of the furniture, which had been purchased for the President in 1789. He himself had not had patience

to go through it; but if the gentleman wished it, it might be read to the house.

Mr. Hartley hoped there would have been no objection to this business. He thought the chairman of the committee had fully shewn the propriety of granting the 14,000 dollars to the President, who was not merely an officer of the government, but a branch of it. It was not giving the money away, but merely advancing it on account of the United States; he was not in favour of high salaries, but he wished the situation of the President to be made comfortable and respectable.

Mr. Heath said, he believed a great part of the furniture which was purchased in 1789, was at present as good as when laid in, this was particularly the case with respect to the mahogany furniture; and he thought the 8,000 dollars would be a sufficient sum to replace all articles of a perishable nature, such as carpets, linens, &c.

Mr. Holland was in favour of striking out, because it was only necessary to appropriate as much as might be necessary whilst government remained here, as when it should be removed, the furniture now used, might not be suitable for the house at Washington. At that time, he supposed a farther sum would be called for, and therefore he thought a less sum than 14,000 dollars, would be sufficient for the present purpose.

Mr. Williams was in favour of the bill as it stood. He had been told that it was the intention of the state of Pennsylvania, to make an offer to the President of the house which had lately been erected in this city; if so, perhaps the furniture which might be purchased for it, would be suitable for the house in the Federal city. He had before said, that he thought it would have been better to have augmented the salary of the President and let him purchase his own furniture. But as that had not been agreed to, he wished the committee now to rise and report progress, that information might be gained on the subject; because he thought if he was to have that house, that sum would not be too large.

Mr. Sitgreaves said, he did not know whether the legislature of this state would conclude to make the President the offer which the gentleman last up had mentioned; but of this he was sure, that if they did, he could not afford to accept of it. For, if this bill passed, he was certain that under such circumstances, he could not remove into that house, because he would not be able to furnish it.

Mr. S. said, he was surpris'd the house should so suddenly change their opinion. He thought he had given sufficient information on the subject, to have shewn the necessity of the grant. [Mr. S. here repeated what he had before noticed respecting what had been allowed on a former occasion.] When gentlemen entered minutely into the subject, they seem'd to have information which was not very correct. He believ'd the sum mentioned in the bill not more than sufficient. The decay which had taken place in the President's household, would require that sum to make it good. The gentleman from Virginia suppos'd there were many articles, not perishable in their nature, which could not have been injured by their use. He was mistaken: There was nothing but about 800 dols. worth of plated ware and the mahogany furniture which could at all come under this description. Indeed, any gentleman who was in the habit of paying his respects to the President of the United States, must have seen with regret, that the appearance of his furniture was so far inferior to that which was to be found in the houses of any of our wealthy citizens, or even of those in moderate circumstances. When this was a notorious fact, what ground, he ask'd, could gentlemen have for comparing the household of the President, to the pomp and splendour of Eastern courts? On the contrary, he thought there was a humility of appearance in the house of the President, which he would not say was a disgrace to the country, but which at least prov'd its rigid economy.

The gentleman from N. Carolina, Mr. Macon, had said, he knew no reason why the house of the President should be furnish'd any more than that of any other officer of the government. Perhaps it was not quite correct to call the President of the United States an officer of government; he believ'd he was an independent branch of the government. He suppos'd the same reason exist'd now for furnish'g the house of the President which exist'd for furnish'g that of the President of Congress, and afterwards that of the gentleman now going out of office. And he thought, at a time when money was of much less value than it was eight years ago, at least an equal sum should be allow'd for this purpose to what was then allow'd. If they took into consideration the private fortunes of the two gentlemen, the reason for doing so, would appear stronger.

Mr. S. said he was sorry to find gentlemen inclin'd to go more particularly into this business than the committee had

already gone. It would be found that the greater part of the furniture of the house was wholly destroyed; the fact with respect to Carpeting was indisputable, as it was well known the whole of that had been renewed by the present officer. Under these circumstances, he trusted the house would not hesitate to give for this purpose the sum mentioned in the bill.

It was an unfortunate circumstance, Mr. S. said, that the moment they were called upon to make an appropriation, gentlemen came forward, and spoke of the embarrassments of our Treasury; but when propositions were laid before them for raising revenue, they were told we did not want the money. He trusted the United States would never be in such a situation as not to be able to make comfortable provision for their Chief Magistrate; if so, they would be in a more degraded state than their worst enemies had ever represented them.

Mr. Nicholas said he voted for going into a committee of the whole on this subject, from an idea that the sum proposed to be given to the President was larger than was necessary, though he confessed he could not say what that sum ought exactly to be; he was for giving enough, and rather too much than too little. Indeed, when he considered that the whole sum was not to be expended, except it should be found necessary, and that a certain style was expected to be observed in this station, he was not for stinting the sum to what should be thought just enough for purchasing furniture. If the whole of the money granted must of necessity be expended in furniture, he should have had more hesitation on the subject; but as the expenditure would be left to the discretion of the President, he could not suppose, from the well known habits of economy of that gentleman, it would be improperly disposed of. He therefore, felt no difficulty in agreeing to the sum in the bill; for though he thought the sum too large, yet he would not so confine the appropriation, as to oblige their officer to go about the streets to look out for cheap purchases of furniture.

Mr. W. Smith thought the gentleman last up had put the business upon a proper footing, in saying the sum ought not to be confined to what was absolutely necessary. The habits of economy of the gentleman elected to the office were too well known, to suppose he would go to any extravagant lengths in the purchase of furniture for his house. He thought moreover that as the joint committee of the two

houses to whom the details of this business had been referred, after the best enquiry they could make upon the subject, had unanimously reported this sum to be necessary, the house ought not to hesitate to give it without better reasons than he had heard. With respect to the articles heretofore provided, he had no doubt a great part had been destroyed, especially when it was recollected that in addition to a service of eight years they had been removed from New-York to this city. He inferred this from his own experience, for at the time the government removed from New-York to Philadelphia, he also had been obliged to remove his household effects; and his furniture had received very considerable injury by the removal. Indeed as 14,000 dollars had been allowed in 1789 for furnishing the President's house, he could not think that a less sum ought now to be granted when every article which he would have to purchase, was at least 50 per cent. dearer than at that time. He did not suppose the house wished to compel the gentleman about to enter upon the office to live in an inferior style to that of his predecessor.

He trusted, therefore, they would agree to the sum as it stood in the bill, especially when they considered that the private means of the two gentlemen were not the same,—If they erred at all in the business, he would rather that it should be on the liberal side. He hoped, therefore, the committee would rise, and report the bill.

Mr. Buck said, previous to these measures being brought forward, they had decided against any advance to the salary of the President. At that time a committee was appointed to enquire into the state of the President's household, and to report whether any and what farther accommodation was necessary to be afforded. He conceived that it was the wish of that house that the gentleman who was coming into office, should have accommodations equal to those which had been given to the gentleman who was leaving it. The committee had examined into facts, made a report, and a bill had been brought in accordingly. The committee had informed them upon what principles they had acted; and it did not appear that they either intended to increase the splendour of the household of the President, nor to add to his salary. If any member could come forward and shew that the report of the committee was erroneous, they should have some ground upon which to reject it. He had heard no man say this, and therefore all that had been offered on the subject

ought not to weigh against that report. When the bill was before them on Saturday, there was a considerable majority in favour of it, and as they had no new information on the matter, he saw no reason for a change of opinion.

Some members, Mr. B. said, had held out an idea that they were about to give this money away, to enable the new President to live in the stile of Foreign Courts. If the inhabitants of this city had adopted this stile, then it would be chargeable against the President; but not otherwise, since it was acknowledged he had not kept pace with them in this respect. The appropriating this money would only be converting it into so much public property; for when his term of office should expire, he could not carry away a single article. It was not, therefore, giving away a farthing, but merely providing for our own convenience to enable the President to fill the office with convenience and reputation; and as they had nothing before them to shew the sum too large, he saw no propriety in rejecting it, for the purpose of inserting any other.

Mr. Rutherford said, if the house had committed an error one day, it would be well for them to correct it another. If they were to give 14,000 dollars away on the present occasion, he thought they would commit a very serious error. The gentleman from Pennsylvania, Mr. Sitgreaves, had said many of the citizens of Philadelphia had lived in a superior stile to the President. If so, he would say they were very bad citizens, since it was proper that the citizens of this rising Republic, should cultivate a simplicity of living and of manners.

Mr. Macon thought some of the arguments introduced on this occasion were very improper; such as the habits of economy or private fortune of the gentleman who was to succeed to the Presidential Chair. They were about to settle a permanent principle, which it was proper to do at this time before a new Presidency commenced. He knew nothing of the private property of the person who was to fill the office, nor had it any thing to do with the business. The question was, whether they were to go over the same ground every four or eight years of furnishing the house of a new President. He did not wish that it should be so; he wished the salary to be the only consideration which the President should receive for his services. If it had not been settling a permanent principle; he should not perhaps have opposed it.

It had been said that the old President of Congress had a household furnished him; but he received no salary from the United States, except his household. He considered this sum as an advance upon the salary paid to the President by the different states, and before any salary was fixed by the United States; but now, as an ample salary was paid to the President, he did not think such a provision should be continued. It was sometimes said, that it was no matter what sum was appropriated, as, if it was not wanted, it would not be expended, but he believed whatever sum was appropriated would be expended; for he was not one of those who thought that revenue could not be found. He believed if the money was granted, it would be both found and spent.

Mr. Sitgreaves wished to correct the gentleman last up with respect to one fact. He had said the President of the old Congress had no salary. It was true, that he did not receive any thing under that name; but there was a provision not merely for the furniture of his house, but for the constant provision of it, and this was so considerable that from 1778 to 1779, in one year 83,000 dollars were paid for that purpose.

Mr. Macon wished to know what sort of money this was; he supposed it was in depreciated paper.

Mr. Sitgreaves was not certain what kind of money was meant.

Mr. Jeremiah Smith said, in settling a business of this kind, it was proper to have respect to the office, and not to the man who was to fill it. He could himself consider the establishment of the President's household, in no other light than in the nature of a compensation for his services, in the same way that he considered the privilege of franking, stationary and newspapers, allowed the members of both houses, to be such; because, if they were not allowed to them, they would have to purchase those articles themselves; and if furniture were not provided by government for the house of the President, he must himself furnish it out of his salary, or from his private purse. To refuse to provide the necessary furniture, would therefore, be to reduce his salary; for it was true that this plan of presenting furniture to the President, was adopted before the salary was fixed, so that it must have been considered as being additional to the salary. And was that salary, he asked, near so valuable now as it was when fixed? Certainly not. He trusted, therefore,

they should not reduce it. It was impossible to say exactly what sum would put the furniture in the same state as when it was presented to the President in 1789; for, though he was upon the joint committee, he was incapable of making a calculation on the business as it related to dollars and cents. It was thought that 14,000 dollars would not be more than sufficient to put it in complete order.

This sum, Mr. S. said, was mentioned, from a consideration that four years hence the seat of government would be removed, and that then the furniture would be in a great degree useless. They, therefore, only recommended such a sum as they thought would be sufficient to put the furniture in a proper state for that term. He believed the 14,000 dollars would not do more than that.

Mr. Macon said he was always opposed to the privileges allowed to members of franking, &c. Gentlemen talked about a statement; he did not know what that might contain, he had not seen it; but he did not know how it could require 14,000 dollars to repair furniture which at first cost only 13,000.

Mr. Jeremiah Smith said the gentleman last up was inaccurate in his statement. The 13,000 dollars which were allowed for furniture for the late President, was in addition to the furniture which had already been in possession of the President of Congress.

Mr. Sherborne said, the question was with respect to the quantum of money to be granted, as every one seemed to allow that a certain sum was necessary. By having recourse to what was done for other officers of government, they might, perhaps, form an estimate of what would be reasonable on the present occasion. A practice had been established of allowing our ministers to foreign countries, a sum as an outfit equal to one year's salary; so that 9,000 dollars were allowed a minister for this purpose, though it might happen that he would not be employed more than a few months in the service. He thought, therefore, that 14,000 dollars could not be thought too large a sum for the President of the United States, whose term of service was for four years, and which would go to his successor in office; whereas the 9,000 dollars allowed to a foreign minister were entirely at his disposal, though he might not be in the service more than a month.

Mr. Ames said, it appeared to him that it would be desirable to proceed according to precedent in this business as

nearly as they could. It was not desirable to innovate, or change the established order of things, except strong reasons existed for the change. On enquiring what had been the practice heretofore, they found the President of the old Congress, as well as the President now going out of office had had establishments made for their household, similar to that now proposed. If they looked forward to that period when the seat of government was to be removed, and considered the furniture which would be necessary for the house in the Federal city; it would be seen that there would be a necessity for a new establishment at that time, as it was evident that the present furniture or what might be purchased with the sum now contemplated, would be wholly inadequate to the furnishing of that house. He supposed an additional grant of 12 or 15,000l. would be necessary for that purpose.

This having been the practice established, it appeared to him somewhat strange that the gentleman from North-Carolina, Mr. Macon, should have opposed the measure as an innovation and as a dangerous principle, whereas they were going to do now only what they had done in former instances. And not to do which would lay them under the charge of versatility. It would be said that nothing was certain under our government, but that every thing was subject to change. If this uncertainty was objectionable in general, it was particularly so when it related to an independent branch of government. What was established ought to be respected. If they were to consider what would by a just principle in an establishment *de novo*, they might say it should be settled in this way or that; but in considering what was already established, they must have respect to the rules upon which it was founded. And shall the first citizen in the United States, and perhaps the first citizen in the World, said he, be placed in a situation considerably below our private citizens, in point of furniture and style of living? He trusted he would not, though he had hitherto scarcely been placed upon a level with them. Notwithstanding this the proposed establishment had been compared, with what view he could not say, to the splendor of European courts; if this comparison was made with an intention to deceive the people, such an assertion, with so little foundation, was unworthy of the representative of a free people, and betrayed a mean opinion of his constituents to believe they could be so easily deceived.

We have chosen an elective government, said Mr. A. and if it were meant to be kept pure, they must encourage

the people to make choice of such men, without respect to fortune, as they think will serve them best, but if, instead of providing a suitable household for the President, they left him to provide for himself in this respect, men of large fortune only could engage in his part of the public service. And would this, he asked, be doing honour to the republican government? He thought not.

Some gentlemen who were opposed to the giving of 14,000 dollars, were yet inclined to give a smaller sum. They seemed to have two reasons for this; one arising from economy, the other from a kind of distrust of a mispending of the money. Economy, he allowed, was necessary; but the extreme of virtue, was said to be nearly allied to vice, and the extreme of economy was doubtless parsimony. Extremes generally touched each other. He could place this idea in a ridiculous light, but he would forbear to do it. Gentlemen had no objection to grant 8,000 dollars, and the bill only proposed that it should not exceed 14,000. Now were gentlemen really apprehensive in their consciences that this additional power over 6,000 dollars would be abused, by its being laid out in gewgaws and nicknacks, or did they wish, by diminishing the sum, to prevent the President from having his furniture all of a piece, and thereby placing their discretion in the purchase of it in the place of his? The furniture when purchased, added Mr. A. will belong to the office, and not to the man. He thought, therefore, they had spent time to little purpose in endeavouring to remove an established principle, and therefore hoped they should have the question.

The question for striking out was put and negatived, 55 to 36. The committee then rose, and when the question was about to be put in the house,

Mr. Gallatin said, the provision of the bill left it to the discretion of the President whether he would expend the whole of the money, or not. His opinion was that the sum was too large; but the question for striking it out having been negatived, the expenditure must be left to the discretion of the President. He did not mean to go into any detail on the business. He did not wish to place the gentleman coming into office in a worse situation than that of him who was going out; and as he felt no objection to leave it to the President to make use of the whole or a part of this money, as his discretion should direct, he should vote for the bill.

Mr. Claiborn said as provision had been made for furniture for the gentleman now in office, he was inclined to vote for the 14,000 dollars proposed now to be granted for the same purpose to the gentleman who was to succeed him.

Mr. Henderson wished to give his reasons for voting against this bill. He wished to place the President coming into office in as comfortable circumstances as he who was going out; but it appeared to him that the sum proposed was larger than necessary for this purpose. Indeed, Mr. H. said, when he read an article of the constitution touching this subject, he had his doubts with respect to the constitutionality of the proceeding. That article said, "that the President should receive a compensation, which should neither be increased nor diminished, during the period for which he should have been elected:—and that he should not receive, within that period, any other emoluments from the United States, or any of them."

Mr. Sitgreaves believed there could be no doubt as to the constitutionality of the proposed grant of money, as the clause ran, "during the period for which he should have been elected," which would not prevent them passing any number of acts before he went into office.

The question on the passing of the bill was then taken by yeas and nays.

YEAS.

Fisher Ames,
Theodorus Bailey,
Abraham Baldwin,
Theophilus Bradbury,
Daniel Buck,
Demsey Burges,
Thomas Claiborne,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Nathaniel Freeman, jun.

Nicholas Gilman,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
William B. Grove,
Robert Goodloe Harper,
Carter B. Harrison,
Thomas Hartley,
William Hindman,
John Wilkes Kittera,
George Leonard,
Edward Livingston,
Samuel Lyman,
William Lyman,
James Madison,
Francis Malbone,
Andrew Moore,

Albert Gallatin,
 Ezekiel Gilbert,
 John Nicholas,
 John Page,
 Josiah Parker,
 John Patten,
 Elisha R. Potter,
 John Reed,
 John Richards,
 Samuel Sewall,
 John S. Sherburne,
 Samuel Sitgreaves,
 Tompson J. Skinner,
 Jeremiah Smith,
 Nathaniel Smith,

Frederick A. Muhlenberg,
 William Vans Murray,
 Israel Smith,
 Isaac Smith,
 William Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 John Swanwick,
 Zephaniah Swift,
 George Thatcher,
 John E. Van Allen,
 Philip Van Cortlandt,
 Peleg Wadsworth, and
 John Williams,

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N A Y S.

Thomas Blount,
 Nathan Bryan,
 Samuel J. Cabell,
 Gabriel Christie,
 John Clopton,
 Isaac Coles,
 Jesse Franklin,
 James Gillespie,
 Christopher Greenup,
 Andrew Gregg,
 Wade Hampton,
 John Hathorn,
 Jonathan N. Havens,
 John Heath,

Thomas Henderson,
 James Holland,
 Andrew Jackson,
 George Jackson,
 Aaron Kitchell,
 Mathew Locke,
 Nathaniel Macon,
 John Milledge,
 Anthony New,
 Alexander D. Orr,
 Robert Rutherford,
 William Strudwick, and
 Richard Winn. 27.

Mr. Bradbury from the committee to whom was referred the petition of Judge Turner, also that of some inhabitants of the North Western territory, with the report made last session thereon, reported. The committee recommended that the business should come to a hearing before the court of that territory, where the judge would have an opportunity of defending himself against the charges brought against him.

The secretary of state made a report on the memorial of sundry citizens of the United States, relative to losses sustained by captures, spoliations, &c. committed upon their

property by vessels of the French Republic, referred to him on the 8th of May last. The report took an extensive view of the the grievances our merchants had sustained, from the year 1793 to the present time, and stated what measures had been taken towards obtaining redress.

Mr. W. Smith moved to have the report printed.

Mr. Nicholas wished to know what was to be done with it. He thought it very extraordinary that this memorial should have been referred to the secretary of state so long ago as the 8th of May, and that a report should not have been made till within four days of their adjournment. He thought it unnecessary to swell their printers bill which he supposed would be sufficiently large, by having it printed, since it would not be acted upon this session.

Mr. W. Smith said his reason for wishing it to be printed was, because he wished to read it.

Mr. Nicholas said that was not a sufficient reason for incurring the expence; since, though the gentleman might read it, he would not have the power of acting upon it. He hoped it would not be printed.

The question for printing was put and carried. Laid on the table.

A report was received from the Attorney General on the memorial of John Hobby, marshal of the district of Maine, which was in his favour. It was referred to a committee of the whole to-morrow.

Mr. Dwight Foster reported a bill which had been re-committed to the committee of claims, for placing certain persons on the pension list. It was referred to a committee of the whole to-morrow.

Mr. W. Smith offered the following resolution to the House.

“ Resolved that a committee be appointed to bring in a bill for extending the time for receiving on loan the domestic debt of the United States.”

It was agreed to, and Messrs. W. Smith, Nicholas, and Coit were appointed, who, afterwards brought in a bill, which was committed to a committee of the whole to-morrow.

Appropriations for the Military and Naval Establishments.

The House went into a committee of the whole on this subject, Mr. Dent in the chair, when, after some discussion respecting the price of rations, Mr. Gallatin insisting upon

17 cents being a sufficiently high calculation, and Mr. W. Smith abiding by the estimate of the War Department at 20 cents, the latter was agreed upon 36 to 34, and the pay and subsistence of the army was settled, but which has since undergone an alteration, owing to the two companies of cavalry being added by a new bill. The sum for forage and cloathing was also agreed upon, but which afterwards, of course, from the above alteration underwent an augmentation. The hospital department being under consideration,

Mr. W. Smith moved to fill the blank with 30,000 dollars. Mr. Gallatin moved to fill it with 10,000. He said, they had this year had a statement of the expence of the military establishment, by which they found that the hospital department had cost 6905 dollars. It had been the uniform practice of the House to appropriate from 30 to 40,000 dollars under this head, though the expence had never exceeded 7,000; and to apply the surplus to other purposes. He thought it wrong to appropriate four times the sum necessary, and had therefore proposed to fill the blank with 10,000 dollars, which was 50 per cent. more than had ever been expended for the purpose.

Mr. Parker believed that 10,000 dollars would be enough to pay for physic for the army. Indeed he believed it was generally expended in wine and luxuries by the officers, and that little of it went to the uses of the subordinates.

The question for 10,000 dollars was put and carried.

The blank for the ordinance department was filled with 40,000 dollars; and that for the fortifications of the ports and harbours of the United States with 24,000 dollars.

Mr. Gallatin moved to fill the blank for the quarter master's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the war department, with 300,000 dollars.

Mr. Venable said if the sum necessary for each of the above items could be specified, he would rather have it so expressed than have the whole in one sum.

Mr. W. Smith said it would come to the same thing, if the several items were voted in an aggregate sum, as they were all contingent expenses. He should move to have the blank filled with 446,000 dollars.

Mr. Gallatin observed there were two motions before the committee; the one to fill the blank with 446,000 dollars,

the other with 300,000. He would observe that one of the items in this estimate, viz. that for the fortifications of West Point, ought not to be included under this head; but, as to the other items, he would mention, in answer to what had fallen from the gentleman from Virginia (Mr. Venable) what was the reason which had induced the committee to put them in one sum, which was to obtain the very object he had in view in wishing to have the items separate.

It would be recollected, that they had had a letter from the secretary of the treasury, in which he said, "that the appropriations for the military and naval establishments were considered as general grants of money;" and, though they were to be accounted for according to law, yet it was the practice of the officers of the treasury, not to consider each appropriation as specific, but the whole as a general grant of money. This practice was making the law a mere farce, since the officers of the treasury did not consider themselves as at all bound by the specific sums. He therefore concluded it to be proper to pass the law in such a manner as to confine the expence to the appropriation for the different items. It was said to be impossible to carry the law into execution on this principle. It was said, there were a number of contingent expences which could not be exactly ascertained, and that therefore it was necessary the officers of the treasury should have a certain discretion given them to make use of the surplus of any item, for which more than was necessary had been appropriated. He believed the uncertainty here mentioned existed, and therefore it had been concluded to be best to put the contingent articles together in one sum, in order to give bounds to the discretion of the department.

Having mentioned the reasons which caused the bill to be brought in this shape, Mr. G. said, he would mention the items upon which the sum he had proposed to fill up the blank was composed. For defensive protection 60,000 dollars; for the quarter master's department 150,000 dollars. This latter sum had been estimated at 250,000 dollars, but upon what ground he was at a loss to know. The army would now be fixed in garrison, and would not have to march from post to post. None of the reasons given last year for this expence, would now apply, and he thought it unreasonable that the same sum should be allowed for this item which was allowed in the time when they were engaged in an Indian war.

Dollars.

In 1789, when we had 800 men in garrison,	
Mr. G. said the expence of this department was	11,076
In 1790, he did not recollect the number of	
troops, but not more he believed.	- - 45,763
In 1791,	- - - 92,223
In 1792, in the height of the Indian war	- 206,510
In 1793	- - - 178,602
In 1794	- - - 253,000
In 1795	- - - 317,647

What would be the expence of 1796, could not be exactly ascertained. It appeared by the statement which they had received that upwards of 204,000 dollars had been expended. Whether there were any farther demands unsettled, he could not tell. It appeared, therefore, that the expence of that department had increased from 11,000 to 300,000 dollars. This had been owing to two causes, the increase of the army, and by the Indian war. There had also been a great loss of horses from having forage to fetch from great distances.

There had last year also been a considerable expence incurred in taking possession of the posts; but those being now in possession, and the army at rest there, he believed 150,000 dollars would be sufficient for the present year. This would account for a difference of 100,000 dollars betwixt the two estimates. The gentleman from S. Carolina had estimated the Indian department at 90,000 dollars which he reckoned at 70,000. Mr. G. noticed several articles under this head as charged too high. The running of the lines of the territory was estimated at 10,000 dollars. It was absurd to suppose that it could require this sum to run these lines, when the running of the lines in the north-western territory had only been estimated at 25,000 dollars. The article of contingencies was estimated at 30,000 dollars, which was an extravagant sum and much too large; he thought 10,000 would be sufficient. These different items constituted the difference betwixt the 300,000 and the 446,000 dollars, with which the blanks had been proposed to be filled.

Mr. W. Smith said, the sum with which he had moved to fill the blank, was conformable to the estimate which he had received from the war department. He was not prepared to say what would be exactly sufficient, but he could not suppose that the war department could be 146,000 dollars wide of the mark in their estimate. It would be recollected that last year, the estimate received from the War Office, was

departed from in several instances, and consequently this year they had been called upon to make up deficiency to an amount beyond even the estimate of last year. With respect to the 10,000 dollars for running the lines of the Indian boundary, he could not say that that sum would not be necessary. The gentleman from Pennsylvania had compared this item with the 25,000 dollars appropriated for running all the boundary lines in the north-western territory; but if he had examined that item, he would have found that this sum had been appropriated towards carrying the business into effect; it was not for the whole expence, for it might cost double the sum. With respect to the contingencies of the war department, he did not know upon what ground the gentleman proposed reducing the sum from 30,000 to 10,000, when in one year, they had cost 34,000. He thought with this information from the proper department before them, they ought not to make so considerable a deduction.

Mr. Dearborn could see no reason for making the appropriation so large as had been proposed by the gentleman from S. Carolina. It must be recollected that the army was in garrison, where there were barrack-houses convenient for the officers and men, and contracts had been entered into for delivering provisions at the different forts, and there would therefore be a great deduction on account of the transportation, in which 7 or 800 horses had been used up, and the horses on hand might also be sold. Camp equipage was a heavy article of expence, but which would not be wanted whilst the troops were in garrison. These two articles would of themselves make a very considerable part of the whole item. There would also be a saving in the purchase of horses, as the cavalry made more than half the expence. He did not think more than 100,000 dollars could be wanted under this head, except it were wanted for making new forts or fortifications. There would be now no necessity for building officers houses, and huts for the soldiers for winter quarters. All these circumstances considered, he thought the sum he had mentioned would be sufficient.

The question for filling the blank with 446,000 was put and negatived, there being only 13 votes in favour of it. The sense of the committee was then taken upon 300,000, and carried, there being 51 votes in favour of it.

Mr. W. Smith then moved to add to the bill, "For the repairs of the fortifications of West-Point 20,000 dollars."

Mr. Coit enquired if there was any estimate of this item.

Mr. Gallatin said there was no estimate respecting West Point.

Mr. W. Smith said there was an estimate for Niagara, Oswego, Detroit, &c. which might include West-Point, he proposed therefore to change the motion and insert "Niagara, Oswego, Detroit, &c." which would include West-Point, if necessary.

Mr. Gallatin wished the gentleman from S. Carolina would say whether he had any information with respect to West-Point.

Mr. W. Smith said he had no particular information on the subject, but as it was of importance the works there should be very compleat, he thought it prudent to grant something for that object.

Mr. Gallatin hoped the proposition would be rejected. There was no necessity for repairing the fortifications of the posts mentioned more than any other of the forts upon the Lakes. They knew nothing of them, but that they were too large for the garrisons in them ; but he believed if they once begun to appropriate money for this purpose, it would become a yearly expence. And whilst they had been parsimonious with respect to the ports and harbours of the United States, having only appropriated 24,000 dollars to that purpose, he could see no reason for granting 20,000 dollars for repairing the forts of Niagara, Oswego and Detroit, against a few Indians ; as it was well known that a Block-House was as good a fortification against the Indians, as any other. When the regiment was raised to go and take possession of that country, they built all their forts as they went along, without any expence, except the price of a few tools. He hoped, therefore, they should not, by voting for this sum, introduce a new item of expence into their annual appropriations.

Mr. W. Smith agreed with the gentleman last up, that enough had not been appropriated for the defence of the ports and harbours of the United States ; but if they had done wrong in one instance, it was no rule why they should continue to do so. He thought it very important that the forts he had mentioned should be so secured at least as that they should not go to ruin. Under this item was included West-Point, which was a fort of great consequence, and he would rather 40,000 dollars were appropriated than 20,000, for this purpose.

Mr. Dearborn said, as far as the proposition related to Niagara, Oswego, and Detroit, he thought it improper to appropriate money for their defence. He believed it would require a year or two to know what was necessary to be done there. At Niagara, the works were large enough for 6 or 7000 men, and it would become a question whether they should be reduced, or kept up as they were; at Oswego, nothing more could be necessary than a block-house. It was true, there were considerable works there, but until it was decided what they should do with them, it would be improper to appropriate money for their repair. The same might be said of Detroit. He had no idea that the President could have information from those places of what was necessary. Whatever temporary repair might be required, the troops themselves would be able to effect. As to West-Point, he did not know any thing about it, except that it was a place of consequence; he also knew that a great deal of money had been laid out upon it. He hoped they should get into a new system with respect to the defence of our ports and harbours; and until that was done, he should be against granting any considerable sum for this purpose. If gentlemen were in possession of any information on the subject, he perhaps might be induced to vote for a small sum; but not until he knew more of the matter.

Mr. Livingston spoke of the importance of the fort at West-Point, and of the necessity of keeping it in proper repair.

Mr. Coit said the question seemed to have taken a new turn. He presumed that West-Point was not in the idea of the Secretary at War when he made the estimate upon which this bill was founded. If it had, it would have been very improper to have begun with Oswego, and include West-Point in the etcetera. In June, 1796, 20,000 dollars, he said, were appropriated for the repairs of this fort, and they had not been informed that it had been expended.

Mr. Gallatin said, there had only been 7000 dollars expended at West-Point; the other 13,000 were not intended for that fort. The present appropriation was doubtless intended for the forts mentioned, and those in the same quarter. If any thing was wanted for West-Point, a distinct proposition should come before them for the purpose.

Mr. W. Smith observed that the gentleman last up had stated that only 7,000 dollars had been expended at West-Point; that was only the amount which had been expended

at the time the estimate was made ; but the whole might have been since laid out, as then only 520,000 dollars of the appropriation for the military establishment had been expended.

Mr. Gallatin said that the total expenditure of the estimate alluded to, was 1,280,479 dollars.

The question was put and negatived, there being only 19 votes in favour of it.

The committee rose and had leave to sit again.

It appears that returns from the officers required by law to state the number of seamen registered, and impressed by the belligerent powers, have been comparatively few and imperfect ; the following is an abstract of the numbers impressed so far as we yet know officially.

16 who are called citizens of the United States.

8 citizens of Massachusetts.

6 ditto of Rhode-Island.

2 ditto of New-York.

4 ditto of Pennsylvania.

2 ditto of Delaware.

3 ditto of Maryland.

1 ditto of Virginia.

Citizens 42

12 British subjects.

26 Foreigners of other countries than Great Britain,

27 whose country is unknown.

In all 107 exclusive of 34 Irish passengers.

On motion of Mr. W. Smith the House resolved itself into a committee of the whole on the Military Appropriation Bill, Mr. Dent in the chair ; and, after having gone through the greater part of it, the hour of adjournment being arrived the committee rose, and had leave to sit again.

Adjourned.

Tuesday, February 28.

Mr. Livingston, from the committee appointed to enquire whether any and what alterations were necessary in the act past last session for the relief and protection of American seamen, made a report, which was referred to a committee of the whole to-morrow.

The following document was presented to the house of Representatives on Tuesday last ; with an extensive appendix.

R E P O R T.

The Secretary of State, in pursuance of an order of the House of Representatives, of the 8th of May, 1796, on the memorial and petition of sundry citizens of the United States residing in the city of Philadelphia relative to the losses they have sustained by the capture of their property by the French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandize, to the officers of the colonial administrations of the French Republic, having examined the same, together with accounts of similar losses sustained by American citizens from the French, in the European seas, or in the ports of France, which in the details were necessarily connected with the former ;

RESPECTFULLY REPORTS :

That since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the department of State, and to the ministers of the United States in France of injuries done to their commerce under the authority of the French Republic and by its agents. These injuries were

1st. Spoliations and maltreatment of their vessels at sea, by French ships of war and privateers.

2d. A distressing and long continued embargo laid upon their vessels at Bourdeaux in the years 1793 and 1794 :

3d. The non-payment of bills and other evidences of debts, due drawn by the colonial administration in the West-Indies.

4th. The seizure on forced sales of the cargoes of their vessels, and appropriating them to public use, without paying for them, or paying inadequately, or delaying payment for a length of time.

5th. The non-performance of contracts made by the agent ; for the government supplies.

6th. The condemnation of their vessels and cargoes under such of the marine ordinances of France as are incompatible with the treaties subsisting between the two countries ; and

7th. The captures sanctioned by a decree of the National Convention of the 9th May, 1793, [A] which in viola-

tion of the Treaty of Amity and Commerce, declared enemy's goods on board of their vessels, lawful prizes, and directed the French ships of war and privateers to bring into port, neutral vessels laden with provisions and bound to an enemy's port.

It may be proper to remark here that this decree of the Convention directed the capture of neutral vessels laden with provisions and destined for enemy's ports, preceded by one month, the order of the British government for capturing "all vessels loaded with corn, flour, or meal, bound to any port in France."

Such was the nature of the claims of the citizens of the United States upon the French Republic previous to the departure of Mr. Monro^e as Minister Plenipotentiary to France in the summer of 1794, and since his residence there. To him were entrusted the documents which had been collected to substantiate particular complaints; and he was instructed to press the French government to ascertain and pay what might be found justly due from time to time, as additional cases rose, they were transmitted to him with a like view. In September of that year, he assigned to his secretary Mr. Skipwith (with the provisional appointment of Consul at Paris) the charge of stating the cases, and placing them in the proper train of settlement; reserving to himself the duty of fixing general principles with the government, and patronizing and superintending his proceedings.

In conformity with the direction of the minister, Mr. Skipwith shortly afterwards made a general report on the injuries and difficulties and vexations to which the commerce of the United States was subjected by the regulations and restraints of the French government, or by the abuses practised by its agents: to which he added a number of particular cases, [a copy of the whole was annexed to the report, marked B.] This report was laid before the French Government; and added to the various representations of Mr. Monroe, and his predecessor, it produced a decree of the joint committees of Public Safety, Finance, Commerce, and Supplies, dated 15th Nov. 1794. [a copy of which was annexed marked C.] This decree, apparently calculated to remedy many of the evils complained of, afforded but a very partial, in respect to compensations, a comparatively small relief, while it continued in force, the principles of the decree of the 9th May, 1793, which rendered liable to seizure and confiscation, the goods of enemies found on board

neutral vessels. American vessels had been declared exempt from that part of the decree of the 9th May, which authorised the seizing of vessels going to an enemy's port with provisions, by the decree of the National Convention of the 28th July, 1793.

On the appearance of the decree of the 9th May, the American minister at Paris remonstrated against it, as a violation of the treaty of commerce between France and the United States. In consequence thereof, the Convention, by a decree of the 23d of the same month, declare "that the vessels of the United States are not comprehended in the regulation of the 9th of May." M. Le Brun, the minister for foreign affairs, on the 26th of May, communicated this second decree to our minister, accompanying it with these words; "You will there find a new confirmation of the principles from which the French people will never depart, with regard to their good friends and allies the people of the United States of America." Yet two days only had elapsed, before those principles were departed from; on the 28th of May, the Convention repealed their decree of the 23d. The owners of a French privateer that had captured a very rich American ship, the Laurens, found means to effect the repeal, to enable them to keep hold of their prize.—They had even the apparent hardness to say beforehand that the decree of the 23d would be repealed.

The American minister again complained. So on the 1st of July, the convention passed a fourth decree, again declaring, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May; conformably to the sixteenth [it should be called the 23d] article of the treaty concluded the 6th of February, 1778." The new minister for foreign affairs, M. Desforgues, accompanies this new decree of July 1st, with the following expression: "I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to maintain to the utmost of their power the treaties subsisting between the two Republics;" yet this decree proved as unstable as the former: on the 27th July it was repealed.

The next decree on this subject was that of the joint committee of the 15th November, 1794, already mentioned. Then followed the decree of the committee of public safety, of the 4th January, 1795, (14 Nivose, 3d year) repealing

the 5th article in the decree of the 15th November preceding, and in effect the articles in the original decree of the 9th May, 1793, by which the treaty with the United States had been infringed. It is not necessary for the Secretary to add, that the decree of the 4th of January, 1795, has been repealed by the decree of the Executive Directory of the 2d of July, 1796, under colour of which are committed the shocking depredations on the commerce of the United States which are daily exhibited in the Newspapers. The agents of the Executive Directory to the leeward islands, (Leblanc, Santhonax, Raimond) on the 27th of November, 1796, passed a decree (marked C. C.) for capturing all American vessels bound to or from British ports. The Secretary presumes this is not an arbitrary, unauthorised act of their own, but that it is conformable to the intentions of the Executive Directory; the privateers of the French Republic in Europe having captured some American vessels on the same pretence; and the consul of the Republic at Cadiz, having explicitly avowed his determination to condemn American vessels on that ground, pleading the decree of the Directory for his authority.

The Secretary has already intimated that the decree of the 15th November, 1794, was not followed by the extensively good effects expected from it. By a communication from Mr. Skipwith, of the 10th of last September (the latest communication from him, in answer to the Secretary's request for information) it appears that the claims for detention of 103 American vessels by the embargo at Bourdeaux remained undetermined; no funds having been appropriated by the legislature for the payment of them; and that none of the bills drawn by the colonial administration in the West-Indies had been paid to him; the Treasury having tendered payment in assignats at their nominal value, and afterwards in another species of paper, called mandats, which had suffered a great depreciation even before they were put into circulation: both which modes of payment were refused to be accepted. The progress made by Mr. Skipwith in the adjustment of other claims, so far as known to the Secretary, will appear in the annexed printed statement [D.] copies of which were transmitted ten months ago to the officers of the principal collectors of the customs, from the department of state, for the information of our mercantile citizens.

That nothing might be left undone which could be accomplished by the Executive, the attention of general Pinckney, the present minister of the United States to France, was particularly directed to the subject of these claims ; but the interval which has elapsed since his departure, has not admitted of any interesting communication from him on this business.

In connection with other spoliations by French armed vessels, the Secretary intended to mention those committed under a decree dated the 1st of August, 1796 issued by Victor Hughes and Lebas, the special agents of the Executive Directory to the Windward Islands, declaring all vessels loaded with contraband articles of any kind, liable to seizure and confiscation with their entire cargoes ; without making any discrimination in favour of those which might be bound to neutral, or even French ports. This decree has been enforced against the American trade without any regard to the established forms of legal proceedings, as will appear from the annexed deposition (E.) of Josiah Hempstead, master of the Brigantine Patty of Weathersfield, a copy of the decree marked (F.) is also annexed.

The Secretary has received a printed copy of another decree of the same special agents to the Windward Islands, dated the 13th Pluvisoise, 5th year, answering to February 1st, 1797, authorising the capture of all neutral vessels destined to any of the Windward or Leeward Islands, in America, which have been delivered up to the English, and occupied or defended by emigrants, naming Martinique, St. Lucie, Tobago, Demarara, Berbice, and Essequibo ; and to Leeward, Port-au-Prince, St. Marc, L'Archaye, and Jeremie ; declaring such vessels and their cargoes to be good prize, as well as all vessels cleared out vaguely for the West-Indies, a copy of this last decree, will be added to this report as soon as it shall be translated. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, }
Feb. 27, 1797. }

THE APPENDIX.

(A.) Copy of a decree of the National Convention 9th May, 1793.

(B.) A letter and report of Mr. Skipwith, American Consul, on vessels captured.

(C.) Extract from French decrees of 15th Nov. 1794.

(C.C.) Extract from the resolves of the French Commission at Leeward Islands of 27th November, 1795.

(D.) A list of 170 claims, 40 of which were settled with the French Republic and the remainder pending.

A second list of claims on 103 vessels, detained by embargo at Bourdeaux; these dated 20th Nov. 1795; and signed by Mr. Skipwith.

(E.) An affidavit of the commander of the Brigantine Patty.

(F.) A Placard of Victor Hughes, ordering the capture of horses contraband.

This follows the petition of the merchants of Philadelphia.

And a second letter from the Secretary of State enclosing a copy of the decree of Victor Hughes.

Mr. Gallatin from the committee appointed to confer with a committee of the Senate, on the disagreeing vote of the two houses, on the subject of the balances due from individual States to the United States, reported, That they had held several conferences with the committee of the Senate, but not having come to any agreement, the committee recommend to the house not to recede from their disagreement to the amendments of the Senate.

The committee to whom was referred the amendments of the Senate on the Post-Office bill, recommended the amendment to be agreed to.

The Secretary of State, to whom was referred the petitions of George Smith and John Robertson, who prayed for a repayment of the money which they had themselves paid for their ransom from Algerine slavery, reported, That the ransom of George Smith cost 2426 dollars, of which Colonel Humphreys had paid 1526, and Geo. Smith the remainder; that by the late return of our citizens from Algiers, the expence attending the redemption of each man was ascertained to be 2396 dollars, independent of the expence of the general negotiation, and allowing for small inaccuracies on account of some expences which could not at present be ascertained. He recommends therefore that George Smith have paid him 873 dollars, which, with the sum paid by Col. Humphreys, would make about 2400. John Robinson paid for his own ransom 1518 dollars, the interest upon which came to 516

dollars, the Secretary therefore recommends that 2034 dollars be paid to him.

On motion of Mr. Swanwick, this report was referred to a Select Committee, viz. Messrs. Swanwick, Blount, Coit, Sewall, and Parker.

The House again resolved itself into a committee of the whole on the military and naval appropriations, when the pay and subsistence of three captains in the naval department, being under consideration,

Mr. Swanwick thought it would be necessary to have a labourer or two employed to take care of the vessels and materials.

Mr. W. Smith said the estimate for the captains was 4,200; if the sum was made 5,000, there would be sufficient for the payment of any labourers which might be necessary. Agreed.

The blank for the payment of military pensions was agreed to be filled with 96,350 dollars.

And for making good the deficiencies of the military establishment of 1796, 76,312 dollars.

Also for the payment of the expedition of General Sevier into the Cherokee nation, 22,816 dollars.

The committee rose and had leave to sit again.

The House again resolved itself into a committee of the whole on the Military Appropriation Bill, and after debating several articles, they got through the whole. The committee rose, and just as the amendments were about to be taken up in the House,

A message in writing was received from the President of the United States, containing his objections to the bill for fixing the military establishment. They related to the striking out the dragoons from the establishment. He thought them necessary. The message and the bill were referred to a committee of the whole to-morrow.

The house took up the amendments of the Senate to the bill for repealing so much of a former act as relates to the officering and manning of the Frigates, and for finishing the same, which were, to strike out the word *repeal*, and to insert, *suspend till next session of Congress*, and to make another part of the bill conformably thereto.

Mr. W. Smith moved to concur.

Mr. Nicholas trusted the house would not concur; since the same principle had before been tried in the house and rejected.

The question to concur was put and carried 40 to 37.

Mr. Gallatin then moved to postpone the further consideration of the bill until the first Monday in December next. The amendment of the Senate, he said, which had just been adopted, put the bill upon this ground. The law, which was of doubtful construction, was not to be *repealed* but *suspended*. This would go to establish what was at present doubtful. It would be as much as to declare that the President should have the power to man the frigates; on the other hand, if they said nothing, but suffered the bill to die, the contrary construction would prevail. He thought the true construction of the law at present was, that the President had not the power to man the vessels; but if the bill were passed, as amended, by suspending the power, they would give him the power. If no bill was passed, he was of opinion the President would not attempt to man the frigates. He never looked upon this bill in any other light than as settling a doubtful point, and since the amendment of the Senate had been agreed to, the best way would be, not to pass the bill at all.

The question for postponement was put and carried 43 to 29.

The amendments from the Senate to the bill making appropriations for the support of Government for the year 1797, were taken up and agreed to: as also were those to

The bill laying additional duties on sundry articles of import. The amendments which were agreed to were, to add to white Cotton Goods, *Velvets and Ververets, whether printed, stained, coloured or otherwise, and all Muslins and Muslinets, two and a half per cent.* And also a new section, enacting that an addition of 10 per cent. should be laid upon these articles when imported in ships or vessels not of the United States. The duties are to take place after the 31st of December next.

The house resolved itself into a committee of the whole on the bill for placing certain persons on the pension list; when a considerable discussion took place on motions to admit Sam. Hull and Godfrey Sweet upon the bill. The former was proposed by Mr. Dayton, the Speaker, and the latter by Mr. Van Allen. Neither of them, it seems, had complied with all the forms of the law, though there seemed to be little doubt that both were entitled. The only informality in the case of Samuel Hull, was that his affidavits had been taken before justices of the peace, instead of judges of the district court. Mr. D. plead this poor man's cause in the most feeling manner; he

laid his wounds and his distress before the house in a way that could not fail to touch every heart; his feelings as a Philanthropist and a Soldier appeared in all their energy—and the consequence was, that Samuel Hull was placed on the pension list. Mr. Van Allen was not so successful, though the case of Godfrey Sweet appeared to be an hard one, and he had only failed to give evidence of the rates of his disability. The bill was ordered to be engrossed for a third reading.

The house took up the report of the Select Committee on the amendments of the Senate to the post-office and post-road bill, which they went through, agreeing to some, and rejecting others. One of the amendments agreed to was, that George Washington, shall have the privilege of franking letters and packets during his life. Ayes 38 and Noes 26.

Adjourned.

Wednesday, March 1.

On motion, Ordered that Robert Sage and Thomas Hall, have leave to withdraw their papers.

Mr. Swanwick, from the committee of commerce and manufactures, made a report on the petition of sundry inhabitants of Champlain, New-York, complaining of inconveniences on account of being obliged to make their entries at Cumberland, and praying some port to be made a port of entry nearer Canada. The committee thought it unnecessary to make any regulations on the subject.

Mr. S. also made a report on the petitions of James O'Brian and James Aylwards, mariners, who fled from Newfoundland, at the time the French landed there, and put into Portsmouth, where there vessels had been seized for the tonnage duties: they prayed for a remission of the duties. The report was favourable. It was opposed to by Mr. Coit, as being contrary to law, but supported by Messrs. Swanwick, W. Smith and Sewall, as one of those strong cases which ought to form an exception to any general rule. The report was finally agreed to, afterwards a bill was reported, it was engrossed for a third reading, and before the House rose, passed.

The bill directing certain persons to be placed on the Pension List, was read a third time and passed.

A bill was received from the Senate concerning the Circuit Courts of the United States, which was twice read, and committed to a committee of the whole to-morrow.

Mr. Gallatin wished the bill for fixing the Military Establishment, which had been returned by the President of the United States, with his objections, to be taken up.

Mr. W. Smith hoped this subject would be taken up, but before it was entered upon, he wished the committee of the whole to be discharged from the consideration of it, as he found, in a former instance of a similar kind, the business had been settled in the House. The committee was accordingly discharged. The House then proceeded to re-consider the bill, agreeably to the directions of the Constitution. The bill was first read, and then the following objections of the President:

UNITED STATES, February 28, 1797.

Gentlemen of the House of Representatives,

“ Having maturely considered the bill, to alter and amend an act, entitled, “ An act to ascertain and fix the military establishment of the United States,” which was presented to me on the twenty-second day of this month, I now return it to the House of Representatives, in which it originated, with my objections.

First, If the bill passes into a law, the two companies of light dragoons, will be from that moment, *legally* out of service, though they will afterwards continue *actually* in service; and for their services during this interval, namely, from the time of *legal* to the time of *actual* discharge, it will not be lawful to pay them unless some future provision be made by law. Though they may be discharged at the pleasure of Congress, in justice they ought to receive their pay, not only to the time of passing the law, but at least, to the time of their actual discharge.

Secondly, It will be inconvenient and injurious to the public to dismiss the light dragoons, as soon as notice of the law can be conveyed to them, one of the companies having been lately destined to a necessary and important service.

Thirdly, The companies of light dragoons, consist of one hundred and twenty-six non-commissioned officers and privates, who are bound to serve as dismounted dragoons, when ordered so to do; They have received in bounties about two thousand dollars; one of them is completely equipped, and

above half of the non-commissioned officers and privates have yet to serve more than one third of the term of their enlistment; and besides, there will, in the year, be a considerable deficiency in the complement of infantry intended to be continued. Under these circumstances, to discharge the dragoons, does not seem to comport with economy.

Fourthly, It is generally agreed that some cavalry, either militia or regular, will be necessary; and according to the best information I have been able to obtain, it is my opinion that the latter will be less expensive and more useful than the former, in preserving peace between the frontier settlers and the Indians, and therefore a part of the military establishment should consist of cavalry.

G^o. WASHINGTON.

The Speaker then read the clause in the Constitution which directs the proceeding on such an occasion, and which says, that in case two-thirds of the house wherein it originated shall be in favour of passing the bill, it shall be sent to the other, and if two-thirds of that house be also in favour of it, it shall become a law. The votes of both houses to be determined by yeas and nays.

Mr. Nicholas said, he meant to vote against the bill, but he did not wish to stand charged with refusing to pay the men for the time they were in service. He thought this bill was by no means liable to a charge of this kind. As it could scarcely be supposed that, at the time they were making a voluntary gift of 100 dollars to every officer discharged, it could not reasonably be suspected that the Legislature meant to *defraud* the men of their pay.

Mr. W. Smith did not see any necessity for the observations of the gentleman from Virginia. There was nothing in the message of the President which charged that house with an intention of defrauding the men of their pay. Whatever was the design of gentlemen, this was not the charge. But certain it was that this would be the result of the bill, and it would be six weeks or two months before they could be notified that the act was passed. It was the legal opinion of the Attorney General, therefore, that they would not be entitled to pay during that time.

Mr. Nicholas was sorry the gentleman from South Carolina and he did not think alike on the subject; he thought the objections he had made were necessary, and he had made them for the purpose stated. He thought the President

ought not to have doubted their willingness to have allowed the pay in question. He was of opinion the house had given some extraordinary proofs of their liberality this session; amongst other proofs of this, they had determined to appropriate money for the building of a thirty-six gun frigate, which he had caused to be built without authority. But the pay of these men was so much a point of law, that he believed the men would have been entitled to pay.

Mr. W. Smith said, their having agreed to give each of the officers 100 dollars without mentioning the men, rather went against the gentleman's conclusion; because, if any thing had been intended to have been given to them, they would also have been mentioned.

Mr. Williams was sorry that some things had not been more attended to, when that bill was under consideration; and, although there would be a difficulty respecting the Brigadier-General and Staff, yet he thought the objections well founded, and would vote against the passing of the bill, in order that a new one might be brought in, to avoid the objections, from the demands lately made for the protection of the frontiers of Georgia and Tennessee, which amounted to upwards of 300,000 dollars; he fully agreed with the President that it would be less expence to keep up the two companies of Dragoons, than employ militia horse.

The Yeas and Nays were then taken as follow :

Y E A S.

Theodorus Bailey,
Abraham Baldwin,
David Bard,
Thomas Blount,
Richard Brent,
Nathan Bryan,
Daniel Buck,
Demsey Burges,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Isaac Coles,
Henry Dearborn,
William Findley,

Jeffe Franklin,
Albert Gallatin,
James Gillespie,
Christopher Greenup,
Andrew Gregg,
William B. Grove,
Wade Hampton,
Carter B. Harrison,
John Hathorn,
Jonathan N. Havens,
John Heath,
James Holland,
Andrew Jackson,
George Jackson,
Aaron Kitchell,

Edward Livingston,
 Matthew Locke,
 Samuel Maclay,
 Nathaniel Macon,
 James Madison,
 John Milledge,
 Andrew Moore,
 Frederick A. Muhlenberg,
 Anthony New,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 Josiah Parker,

John Patten,
 John Richards,
 John S. Sherburne,
 Tompson J. Skinner,
 Israel Smith,
 Richard Sprigg, jun.
 Thomas Sprigg,
 William Strudwick,
 John Swanwick,
 Zephaniah Swift,
 Abraham Venable, and
 Richard Winn. 55

N A Y S.

Fisher Ames,
 Theophilus Bradbury,
 Joshua Coit,
 William Craik,
 Samuel W. Dana,
 James Davenport,
 George Dent,
 George Ege,
 Abiel Foster,
 Dwight Foster,
 Ezekiel Gilbert,
 Nicholas Gilman,
 Chauncey Goodrich,
 Roger Griswold,
 Robert Goodloe Harper,
 Thomas Hartley,
 Thomas Henderson,
 William Hindman,

John Wilkes Kittera,
 Samuel Lyman,
 William Lyman,
 Francis Malbone,
 William Vans Murray,
 Elifha R. Potter,
 John Reed,
 Samuel Sewall,
 Samuel Sitgreaves,
 Jeremiah Smith,
 Nathaniel Smith,
 Isaac Smith,
 William Smith,
 George Thatcher
 Richard Thomas,
 John E. Van Allen,
 Peleg Wadsworth, and
 John Williams. 36.

The bill being accordingly lost, Mr. Nicholas moved that a committee be appointed to bring in a new bill, which being agreed to, a new bill was reported (exactly the same as the former, except an omission of the parts objected to by the President). It was ordered to be engrossed for a third reading, and afterwards passed.

On motion of Mr. Ames, the house went into a committee of the whole on the bill for placing certain buoys in and near the harbour of Boston, which was agreed to, after filling

up the blank for six large buoys with 1600 dollars, and that for ten small ones with a like sum; the bill was ordered for a third reading, and afterwards passed.

The bill for extending the time for receiving on loan the Domestic Debt of the United States, went through the same form and was passed.

The house resolved itself into a committee of the whole on the amendments of the Senate to the bill for making regulations with respect to the duty on Spirits distilled within the United States. They proposed to do away the licences for two weeks, and to provide only for monthly licences, to bear date on the first day of every calendar month.

Mr. Harrison hoped these amendments would not be agreed to. It was well known that in the Southern parts of the Union, there was a small distillery in almost every farm; but if these amendments were adopted, it would have the effect to destroy them, and the law would become particularly odious to the people; it would also wholly defeat the purpose of raising revenue from the tax.

Mr. Parker also alledged that it would be the ruin of many small stills: there were a thousand, he said, in his district, who did not distil one hundred gallons a year. When the law was passed which had been in force, Mr. P. said, he was obliged to quiet the minds of the people by telling them, that it was according to the constitution: Many, he said, had not fruit enough to employ a still more than two or three weeks; besides, owing to their inconvenient situation, they were frequently obliged to stand still in the middle of their work. Indeed he thought if they were oppressed too much by this law, the consequences would be bad, for though he did not immediately conceive of an insurrection, yet they certainly would oppose the officers of collection, and from one step to another, it may lead to that dangerous end. He thought, as times were rather critical, and we had enemies enough abroad, we should be careful not to make them at home also.

Mr. Dayton said nothing could be more true than the observations of the gentlemen last up: this would certainly tend to ruin all the small stills. He was sorry no more attention was paid to the public good; its tendency must go to destroy all small distilleries, and without any aid to the revenue, but would lessen it, for at least one third of the distilleries would drop. He therefore hoped the House would adhere to their former resolutions, without which he would rather no bill at all should pass.

Mr. Macon spoke to the same effect, observing, that, as there could be no good, it would be wrong to run a risk of either. The question, on a disagreement from the Senate was then put, and passed unanimously.

Mr. Blount called for the order of the day on the report of the committee of claims on the petition of the widow of the late Scollacuttaw, or hanging maw : the House accordingly went into a committee thereon, when the report was read, as follows :

“ That the complaints against the conduct of one John Beard, and a number of armed men, who, he states, in the year one thousand seven hundred and ninety-three, contrary to law, and the good faith of government, attacked the dwelling-house of the petitioner and her husband ; killed and wounded a number of well-disposed Indians ; burnt and destroyed, and carried away their property, and wounded the petitioner. She now prays that some provision may be made for her.

“ After examining the statement made by the petitioner, and the facts upon which she rests her present application, the committee have found some difficulty in deciding what measures would be most advisable for the House to adopt.

“ Previous to the attack on the Hanging Maw, the frontier settlers of Tennessee, and the Indians in that quarter, had been guilty of mutual acts of aggression and hostility. A party of the Indians had killed some settlers ; their trail was discovered, conducting across the Tennessee—this circumstance induced a belief in their pursuers, that the Hanging Maw had been concerned in that business ; and occasioned his being wounded, and the misfortunes complained of by his widow. The general opinion, however, represents the Hanging Maw as having been uniformly friendly to the settlers : as vigilant to apprize them of the approach of banditti, and constant in his exertions, on all occasions, to compose differences between them and his nation : and withal, as possessing considerable influence over the Indians. The same disposition is also attributed to his widow, the present petitioner ; who, instead of exciting her people to acts of retaliation, has abated nothing in her friendship to the white people.

“ All these circumstances seem to countenance, if not to require for her a pension from the government, or some other relief from the legislature. Such a provision might also be considered as extending its influence beyond the particular

object; or, as an inciting cause to other Indians to pursue a similar line of conduct, under circumstances alike cruel and distressing, should they happen.

“ But, on the other hand, it is to be considered, there are citizens on the frontiers who have suffered injuries as cruel, and deprivations as severe, by the Indians; and who have been thereby left in situations of distress that would equally call for assistance from the Legislature. Questions arise whether both descriptions of sufferers ought to be provided for? Whether the abilities of government would be competent to meet all possible claims of this nature? and whether help can be extended, by law, to the one, and consistently refused to the other?

“ It may be said, that those who settle upon the frontiers, voluntarily assume all the risks and dangers attached to that position; and, therefore, can have no just claim upon government for consequences resulting from their choice; whilst, on the contrary, policy requires that the minds of Indians, who may be roused to hostility by acts of the settlers, should be quieted by small pecuniary interpositions.

“ Under these views of the subject, the committee have hesitated what report to make; but, upon the whole, as the authority vested in the Executive Department is competent to meet this claim; and should the petitioner, from her sufferings and her attachment to the United States, appear to the Executive, to be entitled to any annual relief, as it may be afforded out of the appropriations for contingent expenses, in the Indian department, without an interference of the Legislature; and, as this mode will probably involve the fewest difficulties, the committee think she should apply to that department; and that the prayer of her petition ought not to be granted.”

The question was taken, that the House do agree with the committee of the whole House, in their agreement to the said report,

And resolved in the affirmative.

The committee reported their agreement with the resolution reported from the committee of claims, to which the House concurred.

On motion of Mr. Livingston, the House resolved itself into a committee of the whole on the bill in addition to an act for the relief and protection of American seamen. This bill was brought forward to supply an omission in the bill passed last session, respecting the manner in which certificates of citizen-

ship should be granted. This part of the bill occasioned considerable discussion last session, and was a subject of conference betwixt the two Houses; but from some unaccountable neglect was omitted in the law, and had been supplied by the President, who had adopted the plan agreed upon by the two Houses, except that he had somewhat enlarged it. The bill now proposed was a copy of the provisions which had been acted upon by the President.

Mr. Harper spoke at considerable length against the mode laid down for the ascertaining of citizenship, which was to be proved in case of failure of a copy of the register where the person was born, by one credible witness. Mr. H. proposed that the testimony of three freeholders should be necessary.

Messrs. W. Lyman, Buck, and Livingston, severally spoke against the motion, when the question was put and negatived, three members only rising in favour of it. The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Heath presented a petition of Orchard Cook and Abiel Wood, praying a remission of duties on some rum exported, and lost on board ship. Referred to the committee of commerce.

Also a petition of Thomas Lewis, praying for compensation as supernumerary aid-de-camp to General Wayne from July 1794, till his death.

Referred to the committee of claims.

The House proceeded to consider the amendments proposed by the Senate to the resolution calling upon the States for the payment of certain balances.

Mr. W. Smith moved to recede from their disagreement to the Senate's amendments, which was negatived, there being only 12 votes in favour of it. Mr. Nicholas then moved to adhere, and the motion was carried.

Mr. Swanwick reported a bill to authorize a statement of the claims of George Smith and John Robertson, formerly slaves in Algiers. It was referred to a committee of the whole, to-day.

Mr. A. Foster, from the Committee of Enrolment, reported several bills as duly enrolled, which received the signature of the Speaker, and were afterwards laid before the President.

Adjourned.

Thursday, March 2.

The bill for the relief of American seamen was read the third time and passed.

On motion of Mr. W. Smith, the house went into a committee of the whole on the bill making appropriation for the military establishment when the following items were agreed to, without Debate.

	Dollars.
For the payment of the army.	256,450
For the subsistence of the officers.	47,395
Do. of non-commissioned officers and privates.	245,283
For forage.	14,904
For cloathing.	83,050

Mr. W. Smith then proposed to insert a new item, in consequence of the bill just passed, "for the purchase of horses and the equipment of the Cavalry, 16,085 dollars."

Mr. Gallatin said the items which had been agreed to was upon the ground of an increase of 126 dragoons which were not in the former bill. The item now under consideration, went to provide horses and equipments for an additional company of cavalry. It appeared that this company was heretofore without either, so that they must have been employed as dismounted dragoons, and if they now appropriated the sum before them, they would, in fact, add a company of horse to the establishment. He believed it to be the general opinion that they had cavalry sufficient at present; indeed it was the opinion of a large majority of that house that none were necessary; but if they did appropriate for any, he thought they ought not to go beyond the present establishment.

Mr. W. Smith said, if they refused to make the appropriation under consideration, they declared that one of the two companies of cavalry, should act as infantry. By the bill passed yesterday, it was left altogether to the option of the President to employ them either as cavalry or infantry; but if this appropriation was withheld, he would be under the necessity of employing them as infantry only, and this house would now exercise a discretion, which only yesterday they had vested in the executive.

It would be observed that in the message of the President, he had fully stated the reasons why dragoons would be requisite; the business upon which one of the companies was at present employed, was to escort the commissioners em-

ployed in running the boundary lines betwixt the territory of the United States and the Indians : the other was indispensable for the protection of the frontiers.

What, Mr. S. asked, would be the consequence of refusing this appropriation ? One of the troops of dragoons would be obliged to act as infantry, and government would be compelled to employ militia horse at a great expence. If this was economy, he was mistaken in his ideas of economy. The sum was conformable to the estimate which he had received from the war office.

Mr. Hartley was in favour of the appropriation, that the President might be at full liberty to employ the troops on foot or on horseback according as the service might require.

Mr. Nicholas thought while they were making appropriations, this object might as well be included ; if these men were to be kept, they ought to be properly equipped, he said, it was the opinion of the President, and the Secretary at War, that cavalry was necessary, and therefore he had concluded it would be proper, and wished them be kept up, so as to be called into service whenever necessary.

Mr. Milledge thought there was great need of cavalry ; it would be an object of policy, as by information he had received from the governor of Georgia, which he had in his hand, and which was corroborated by a late governor, horse was absolutely necessary, (he thought three troops) on that frontier, he was, therefore in favour of the appropriation.

Mr. Varnum had no doubt but the gentleman from Georgia, and every gentleman in the house would be glad to have horse and infantry too, kept in their state ; every part would be glad to have the public money expended upon it ; he could not see why a body of cavalry should be kept up in a time of peace, he thought the legislature had as good right to judge as any person, notwithstanding the authorities produced to sanction the appropriation. Mr. V. had no doubt if this was granted, application would soon be made again for a similar purpose. He hoped this appropriation would not take place ; it would be a small saving, and might as well be made as there was so much want of it ; he could have wished the troops reduced to two regiments, which he thought quite sufficient for a peace establishment. He hoped the President's ideas on the subject would not obtain to govern the decisions of the house, as we have the power, said he,

to withhold appropriations ; and what gentlemen, who were locally concerned, should say, he could not be guided by, as soldiers would consume their produce, and spend money amongst them, consequently they were interested.

Mr. Craik really lamented that the gentleman had not been in the house yesterday, at the time the subject was more under consideration ; he then might have invested against the President. The observations might have come with more propriety, if they had been made before the bill passed, when under discussion, but after a law has passed the proper authorities, after it has been resolved to have these troops of horse, to say, " we will not appropriate to carry it into effect " is strange conduct. If the determination of the gentleman was to oppose the bill, he should have used every means to that purpose, and if not effectual, at least to suffer others to enjoy their will, especially a majority. For the sake of consistency, he hoped the gentleman would withdraw his opposition, and not in this side-way to defeat the operation of a bill which has passed. The cavalry were voted because they were supposed to be necessary, and now a gentleman comes forward, endeavouring to excite the jealousy of the house on the executive's meddling with the military establishment. Mr. Craik said he was pleased that the President had refused it, if it was only to convince some gentlemen that he had power to refuse that, or any other bill. [Here Mr. Dent asked the gentleman whether he was in order.] Mr. Craik said he only wished to prove the inconsistency of the member's conduct. He thought the house should not betray a want of consistency. He believed from the statement of the members from Georgia, and the reasons of the President, that horse was necessary and he therefore should wish the appropriation to be passed.

Mr. Kitchel said, gentlemen seemed to be mistaken ; they were continually alluding to the law passed yesterday : there was not a word about two troops of horse yesterday : all we then said was, that we would not say there should not be two troops of horse : the message of the President did not say that two troops should be mounted, nor do I say, said Mr. K. that horse are not necessary, I think some are necessary : but the enquiry seemed to be now whether the house were to vote for more.

Mr. W. Smith said the gentleman's observation were very extraordinary ; he surely could not have attended to the business, to say that the house had not passed the law authoriz-

ing two troops of horse. We have a law in force, said he, to ascertain and fix the military establishment, in which we authorize the President to employ the two troops of dragoons, to serve either on horse, or foot at his direction; the bill we sent up yesterday does not repeal that law, and yet gentlemen would now come forward to oppose the appropriation, and determine they shall act on foot. He could not think with what propriety the restriction could be made as the gentleman from Massachusetts wishes, nor could he think how the gentleman from Jersey had attended. Should we now say they should be at our direction?—and that we would not grant money without? this would be strange conduct;—an assumption of power which he hoped the house would never arrogate.

Mr. Kitchel said his meaning was, that the horse were not established yesterday, but before.

Mr. Hartley said it appeared from good testimony, that the troops were requisite to save the people on the frontiers from the depredations of the Indians: he thought, therefore, that they having been established before, the house were bound to make the appropriation to give effect, or show the *great* inconsistency.

Mr. Nicholas said it was not his intention to vote for these men at all; but if they must have them, perhaps it would be most economical to equip them. With respect to their power of withholding the appropriation, he had no doubt; and though they had yesterday passed a law establishing two companies of cavalry, it was in the power of that House, of the Senate, or of the President, to refuse an appropriation. This was the sense of the constitution. When the bill came before the house, he should give his negative to the additional horse; for if they were always to keep up the same number of men, whether in war or peace, except two thirds of both houses were found to oppose the will of the President, they might bid adieu to all restraint upon executive power, and count upon a military government, if ever an executive should be found, whose will it should be to make it so. If these were to be kept up he would still say the house had better go to 100,000 dollars expence to mount them on horseback.

Mr. Varnum said, it was observed by gentlemen that these troops were not mounted; if so there must have been a very lavish waste of money: However that might be, gentlemen who state this business ought to state it fairly. They ought

not to say that two companies of cavalry were yesterday voted. No they were part of the old war establishment. It was true the house had not the power to repeal the law; but one thing was in their power; and that they ought to do if they see this part of the standing army necessary, the constitution returns the power to act on it once in every two years, to each branch of the legislature. The house he thought had good right to exercise their own opinion on the necessity of mounting these men; it was not in the power of one branch to repeal the law which keeps these men, but we ought to consider whether they are to be put in the same situation as in time of war. Mr. Varnum said he discharged his duty in voting against this appropriation: the house had a right to judge, and it was not in the power of the President to act for them.

Mr. Heath said that the subject had been fully discussed, and therefore he should only observe that from the authorities which had recommended the mounting of these cavalry, he should vote for the appropriation.

Mr. Milledge repeated his arguments on the local situation of the country, and asserted the absolute necessity of the troops.

The motion was put and carried, there being 56 in favour of it.

Mr. W. Smith then proposed to add 172,000 dollars for finishing the frigates *United States*, *Constitution*, and *Constellation*.

Mr. Nicholas said he should be against appropriating so large a sum for this purpose. It was the sense of the House on a former occasion, that it would be proper to appropriate such a sum as should put them in such a situation as to secure them from injury, but to stop short of making them fit for sea, that the expence of manning might be avoided.

Mr. Swanwick said a new sense of the business seemed to be brought forward at present. Before, they had determined to finish the frigates; but now they were not to finish them, lest they should be manned, but to finish them in part only. A Gentleman yesterday said, when speaking on the subject of the President's message that he could not suppose they would have refused to pay the soldiers, though there might be some deficiency in the expression of the act; and might he not suppose, said Mr. S. that if the frigates were so nearly finished, he might go on to finish them, and trust to the Legislature to furnish the money? These frigates, he said, were

a very extraordinary concern. It seemed as if it was only when it were to be made a present of to Algiers, that a frigate could be finished, and not when it was for the protection of our own commerce. He trusted, however, that there would not be a majority found in that house who would vote against finishing the frigates; as to manning them, that would remain for a future consideration.

Mr. Parker said, it would require all the money which had been named for finishing the frigates, without rigging, though there would be a considerable quantity of materials left on hand. There need be no apprehension of their being manned, whilst seamen's wages remained at the price they were, because men could not be got on the terms stipulated in the law for this purpose. If a smaller sum than was mentioned were to be granted, they might as well give nothing.

Mr. Sitgreaves supposed the blank was now proposed to be filled with the same sum which had been agreed upon on a former occasion. If this were the case, it ought to dissipate the fears of the gentleman from Virginia (Mr. Nicholas) as it was well known that the sum was predicated upon a supposition that the frigates were not to be manned. If they were to be manned, a further appropriation would certainly be necessary.

Mr. Nicholas said, it appeared to him, that if all gentlemen were agreed that this business should go no farther than the building of the frigates, they could have no hesitation to leave undone some of the internal finishing work of the vessels; if they did not wish to put them into such a situation as that they might force them into service upon the spur of an alarm, they could have no objection to their being left in such a situation as to be perfectly secure, but not finished fit for sea.

Mr. Sitgreaves said this subject had heretofore undergone a very full discussion. A motion was then made merely to finish the hulls, which was negatived. It was then said that contracts were made for all the materials, and that except the frigates were finished, the engagements which had been entered into could not be fulfilled. But there was another security against the danger apprehended. They had lately come to a determination to make all appropriations specific and particular. What was the language of the present appropriation? It was for finishing the frigates, not for manning them. If it had been said to be for carrying into effect the law for the naval establishment, there might have been

some little ground for apprehension ; but, as it now stood, the Executive could not proceed to man the vessels.

Mr. Nicholas said, when they voted the sum now asked for finishing the frigates, the expenditure was accompanied by a law to repeal the manning clause of the former act. He had made enquiries respecting contracts, and found the money in hand was equal to the fulfilment of them ; if there had been any others, he supposed they should have heard of them. He again said there were many ornamental parts of the vessels which might be as well thrown upon the expence of next year as of this.

Mr. Swanwick said, if government could have had foresight sufficient to have known that there would have been any objections made to the finishing of the frigates, they would certainly not have entered into any contracts to that extent ; but they could not possibly do this. He wished, if gentlemen were determined the frigates should not be made use of, that they would say at once they should be sold on the stocks. With respect to manning of them from the money proposed to be appropriated, that was impossible, and he saw no reason for making the business *double sure*, by any other precaution.

Mr. Holland said it was, with great propriety, intended by many members in the House to keep the frigates in such a state as to prevent their being manned. If we appropriated to finish them, said he, we shall be exposed to all the difficulties depicted by the gentleman from Pennsylvania ; for some way would be devised to procure and pay men, if the House put it in the power of the Executive to do it : therefore, he hoped, to avoid all that trouble and expence, they would not vote to finish them. For what purpose, said he, should they be finished, unless it were intended to man them ? To avoid every danger of that kind, he should vote against the sum proposed.

Mr. Hartley said, that last year the six frigates, which had been before voted for, were reduced to three, with intent to compleat them. Was it not probable then, he would ask, that the President would proceed to compleat those frigates, according to the power given him ? Was it not to be supposed that contracts were entered into for that purpose ? No person could suppose but contracts were made. Then certainly the House ought not to expose the Executive to the ridiculous situation of receding from his contracts ! They would not be finished before next session, and therefore no

danger of equipping could be apprehended. It may be necessary to use them, but at any rate it would be running no risk to have them finished, as they could not be manned by this appropriation.

Mr. Gallatin said, there seemed to be involved in the present consideration, the question whether or not we should have a navy. As to himself he should vote against the present appropriation; because if the frigates were completely finished, he should fear they would get to sea. When they had on a former occasion consented to finish them, it was under the condition of the law for manning being repealed; but they now stood upon new ground. Mr. G. said he had been charged with inconsistency of opinion, from having before said that he thought the President would not be authorized to proceed to the manning of the vessels under the present law, whilst he was now apprehensive that he might do so. He wished to be on sure ground. He did not know but the President might put a different construction upon the law from him. Indeed, from the experience they had had of Presidential discretion, they need not be surprised, if the vessels were sent to sea, though no appropriation was made for the purpose, should the President suppose there was any plea for doing so. As a proof of this power having been exercised heretofore, Mr. G. referred to the Western Insurrection. In that case, he said, no appropriation was made for the expence; but the law authorizes the President to call out the militia when he shall see occasion to do so; he called them out, and got money from the Treasury. Indeed the building of a frigate for Algiers, without any authority, and the pledging of the faith of the nation to pay the expence of the law suits of our citizens in London, were strong proofs of what the Executive could do.

Mr. G. said he did not mean to bring into view any arguments relative to the propriety of establishing a navy in this country. He should vote against the present motion, because he did not wish to see the frigates at sea, and because he conceived a navy to be prejudicial to the true interests of this country. Something had been said about contracts, but he did not believe any existed. They had last year been told the same thing. Any person reading the statements which had been furnished to them would perceive, that the business was not done by contract, but that men were employed by government, and regular wages paid to them. The frigate which had been built for Algiers had been built by contract,

they had an estimate of it at so much a ton ; but this was not the case with respect to any other of the frigates.

Mr. W. Smith did not wish to going into a long debate on this subject, when they had so much business before them, in order to shew whether it was proper for this country to have a navy or not ; the only question now was, whether they ought to appropriate money for finishing the three frigates. If they did not do it, all the money which had been already expended, would probably be lost. The only objection to the doing of this seemed to arise from a fear that the vessels would be manned, though when this subject was the other day before them, the gentleman from Pennsylvania, Mr. Gallatin, moved to postpone the bill relative to the repealing or suspending the law for manning the vessels till next session, from an opinion, that by the present law the President was not authorised to man them. That gentleman seemed now, however, in contradiction to himself, to fear the President would put a different construction upon the law, if he did not believe the President would violate the law, he could not account for his refusing now to vote for the money which was merely necessary to finish the vessels.— Mr. W. S. read an extract from the report of the Secretary of War, to shew the forward state in which the vessels were, and added, that they were bound in duty to finish them, were it only to prevent the loss of the money already expended upon them.

Mr. Dearborn observed, that if he was convinced, from the documents which had been laid before them, that the sum now asked for, was necessary merely to finish the frigates, he should not hesitate to vote for it ; but it was a little extraordinary, that the gentlemen on that committee, not even the chairman who seemed to have the business so much at heart, could not say whether this sum was necessary for finishing and rigging, or finishing without rigging, or for finishing, rigging, and manning. The frigate building in this city, the captain had told him, was calculated, in point of size, to carry 62 guns, instead of 44, which was one of the reasons they had cost so much more than they had been estimated at. Mr. D. said he suspected that the sum proposed, would not only be sufficient to finish the hulls, but to rig and fit the vessels for sea, and until he had more satisfaction on the subject, he could not consent to give his vote for it.

Mr. Kittera observed that gentlemen first said, that under the present law the President could not proceed to man and send the vessels to sea, but now they were apprehensive this might be done, though no appropriation was made for the purpose. This, he thought, somewhat inconsistent; but he believed whilst 30 dollars a month was given to seamen by merchants, and their law only authorised it to be given, there was not much to be feared on this head.

Mr. Ames said, that gentlemen opposed to the finishing of the frigates, seemed to be also opposed to all ideas of this country ever becoming a naval power; the necessity of this, he was persuaded, would ere long appear. It was not to be supposed that a nation whose commerce was greater than that of any other, except Great Britain, should go on long without a naval protection; and he believed the more strenuous the opposition shewn against this measure, the sooner it would be accomplished; he was not therefore displeased to see the present violent opposition to every thing which looked towards this object.

It was not enough, Mr. A. said, for gentlemen to discourage the building of ships, they would also discredit the administration of government; and nothing was more natural than that those who thought so ill of it themselves should endeavour to spread those opinions. This was done continually. With respect to the building of the frigates, he thought it was a wise step; and as to the extra expence and delay which had attended the business, he believed, gentlemen might take a share of the blame upon themselves, on account of the versatility which had been shewn upon the occasion, in this day agreeing upon one thing, and that upon another. It was true, that another cause of extra expence was owing to a resolution which had been taken to make the ships much larger than was contemplated by the house; the vessel building here, he believed, was nearly 1600 tons. He was glad that this alteration of plan had been adopted; not because more money would be expended on this account; not because contrary to the direction of the Legislature, but because true wisdom required it; they would now be an overmatch for any frigate, or any vessel which the Algerines could send out against them. These, he believed, were the views of the Executive in having them built of the size they were. The number of the frigates agreed to be finished had been reduced to three; and these they last session passed a law to finish. But what was now to be done? It was said they

should not be finished. Who said this? Did the People? did the Government say it? No; that house alone said it; so that that house were about to usurp the supreme authority. We, said he, are the government, we are the people we are every thing!

But, if there be a law which says that these three frigates should be built and equipped for sea, was it not necessary, before it was concluded that they should not be so built and equipped, that this law should be repealed by all the branches of the Legislature? No, say gentlemen, we can appropriate or not, according to our sovereign will and pleasure. If they possessed that power to nullify what was enacted by all the three branches of government, it was greatly to be lamented. But, he said, if they could appropriate according to their will, they were bound to do it also according to their consciences too. It was not only a weapon but a shield which it was their duty to use with great caution, and according to law; for, if they were to use it contrarily, it would be to make that house the supreme power, it would be to usurp the supreme authority.

Mr. Coit believed the only real question before them was, what sum they would appropriate for this object; he wished the mover would consent to leave the item blank.

Mr. W. Smith had no objection to its being left blank.

Mr. Venable said, if this was a mere question of expence, it was very extraordinary that it should have called forth such a Phillippic from the gentleman from Massachusetts, Mr. Ames, who had charged the house with arrogating to itself all the powers of Government—as being omnipotent. Upon what ground could he found such charges? If it were a question of expence merely, there could certainly be no ground for such charges; but if it were to be considered as a question of power; if they were to be told they dared not to withhold the appropriation in question, here he would entrench himself as a Representative of the people; he had a right, as a member of that house, to vote against the expence which he thought improper, and he would exercise that right. Every branch of government had the same right, and he wished them to exercise it. And he would not be told, when he was about to exercise this right, that he was arrogating to himself all the powers of government. He was determined to exercise his discretion on every question which came before him for decision, and he would vote against this expence.

Mr. Nicholas said the gentleman from Massachusetts, Mr. Ames, seldom spoke without casting some denunciation against that house. He had, however, allowed that the President had done, with respect to this fleet, all that any gentleman had charged him with doing; he had even put the case stronger than any other person had put it; for he had said, that the Executive had determined to build the vessels of a larger size than had been contemplated by the Legislature, in order to be an over-match for any other frigate. All this, said Mr. N. may be right, and the approbation he gave this conduct, was a proof the gentleman thought so; all he had to say was, that it was not legal; it might be patriotic, and be done with an intention to serve the country; the President might understand the interests of the country better than they; but it was a conduct which would not meet with the same approbation from him that it met with from the gentleman from Massachusetts.

That gentleman had also said, that a law imposed a duty upon the house to find the means for carrying it into effect. Were they not, then, to be called upon for money to man the frigates? He asked those gentlemen whether the President had not a right to man the frigates, and if so, whether they should not be *obliged* to find the money.

The powers of this house to controul appropriations, had, however, already been settled. It was, indeed, an absurdity to call a body a Legislature, and at the same time deny them a controul over the public purse; if this were not so, where would be the use of going through the forms of that house with a money bill? The Executive might as well draw upon the treasury at once for whatever sums he might stand in need of. A doctrine like this would be scouted even in despotic countries.

And what was all this power that so much alarmed the gentleman from Massachusetts? It was merely a negative power, to refuse to do what they thought it would be mischievous to do. Mr. N. said there was a very fashionable doctrine of throwing all power into the hands of the Executive. If there were to be extremes, however, he believed an excess of power would at least be as safe in their hands as in those of the Executive; and if this were his opinion, and the ground upon which he acted, the gentleman from Massachusetts never failed to take an opposite direction. He never thought any Executive power too great.

Mr. Parker remarked, that it had been said the frigates would carry 62 guns ; it might have been possible to have made them so, but they were no more than a large sized 44 gun frigate. They might be a little larger than any other of that number of guns, but not so much. It was true they were not at first contemplated to be so large, but strong reasons were offered for making them of the present size ; the expence was not increased by the increase of size, in proportion to their usefulness. He therefore himself approved of what the President had done ; and if he had had the management of the business, he should have done the same. It had been doubted whether the sum proposed to be granted would not only finish, but equip and man the vessels. If the gentleman who had these doubts would refer to the report which had been made on the subject, he would find that 220,000 dollars would be required for that purpose ; the 172,000 proposed, would barely make them ready for sea in other respects.

The gentleman from Pennsylvania, Mr. Gallatin, who was generally very correct in his statements, had supposed that if the frigates were finished, the President might go on to man them, without consulting the Legislature upon the occasion ; and, to shew the possibility of doing this, he had alluded to his having built a frigate for the Algerines, without the approbation of Congress. He lamented the situation in which we stood with that country, but he believed the building of the frigate was necessary. The western insurrection and the law-suits in London had also been named, which he should not stop to notice.

In answer to the gentleman from Pennsylvania, he would say, that if the President could man the vessels and send them to sea, independent of Congress, he might also finish them without their aid ; but he did not believe he would place himself in the same situation with respect to them as if he had to do with a foreign nation. In relation to foreign nations he had great power ; but, if he went beyond his power, with respect to internal regulations, he would be liable to impeachment, and he would be one of the first to promote an impeachment were such to be his conduct.

Mr. Ames said, he understood the gentleman from Virginia, Mr. Nicholas, to say, that the conduct of the Executive was illegal ; but certainly if a frigate was estimated to cost 12,000 dollars, and it cost 15,000, the expenditure of the additional 3000 was not illegal.

Mr. Nicholas said, he had made use of the gentleman's own words with respect to the change in the plan of building the frigates, which he had called illegal.

Mr. Ames said, as to the size of the vessels, that was Executive business. The gentleman from Virginia, Mr. Venable, seemed to take the observation which he had made with a degree of sensibility perfectly natural, because it went to touch the power which he had claimed as a member of that house. The gentleman said, "Here I entrench myself behind my privileges." Nothing was said about the public good; all was self. And was it to be considered, he asked, that they enjoyed the powers committed to them in their own right, as barons of empire as sovereign despots? Or was the power placed in them to be exercised like other duties according to justice and propriety? He believed no one would deny that the latter was the truth.

How did the matter stand? They had attempted to repeal a law, but another branch of the Legislature had refused to accede to the repeal, of course it could not be effected. Were they then, to act as if the law had been repealed? Yes, say gentlemen, *we* will refuse to appropriate the money since *we* think the thing unnecessary. He hoped, however, the day would soon come (as melancholy would be the period until it did arrive) when this power of refusing an appropriation to carry an existing law into effect, should no longer be countenanced by a majority of that house.

Mr. Venable was of opinion, that if the gentleman from Massachusetts had only the public good in view, which he had spoken of, he could have had no inducement to have gone into the arguments which he had introduced on this occasion. He could assure that gentleman that he felt himself as strongly bound to consider the public good in all his conduct, as he could do. He believed no instance could be named, in which he had not consulted that interest; as to what was, or was not, calculated for the public good, he must be left at liberty to judge for himself. But the gentleman had not put the business on this ground; but because gentlemen differed in opinion from others, they were charged with assuming absolute authority, with principles of despotism, overturning the government, &c.

Mr. V. said it was his opinion that in all laws which came before that house, every member had a full right to say yea or nay, for which they were not accountable to that gentleman, or to any other. The other branches of govern-

ment had also the same power. Indeed the other house had exercised this right in negating the repeal of the law relative to the manning of these vessels. He trusted both houses would always continue to assert their right thus to use their discretion, and privilege.

Mr. Ames said he had not charged that House with usurping power, or breaking down the other branches of government; nor did he say they had not a discretion; but that their discretion ought to be regulated by duty.

Mr. Swanwick said, amidst all the foreign objections which had been urged against this appropriation, he wished the act passed last session to be referred to. [Mr. S. read an extract from it.] Here, in April last, said he, it is provided that the frigates shall be finished, and yet now gentleman wished the House to come to a conclusion only to half finish them. What, he asked, would the world think of such a versatility of conduct!

Mr. Kitchell thought if they meant to get through the business which lay before them, it was time they disposed of this question. He thought the debate upon it had been sufficiently long.

Mr. Brent said, when this subject first came before the committee, he had determined to give the sum necessary to complete them; nor had he ever wavered on the subject, until he heard the ground which had been taken by the gentleman from Massachusetts (Mr. Ames.) He did most feelingly participate in the sentiments expressed by his colleague (Mr. Venable) on the occasion. It was really difficult to know what was the amount of his doctrines. In the first instance, he understood the gentleman to rise for two purposes, viz. to justify the Executive from certain charges which had been brought against him, and to shew the obligation which the House lay under to grant the money.

In the first place, the gentleman said the Executive had been charged with violating the law; and, when he went into the subject, he understood him to say, as his colleague understood him, that the Executive had changed the plan; he understood him to say, that though Congress had ordered 44 gun frigates, he had ordered 74's, which remark he concluded with expressing his approbation of the President's conduct. If he admitted that the Executive had violated the law, and yet felicitated him upon having done so, he might enjoy his pleasure, he would not participate with him.

With respect to the second part of his observations, as to the absolute necessity under which every member lay to vote for the sum required for finishing the frigates, because the building of them was directed by law, this was a most important point. He thought this involved one of the most valuable principles which that House possessed, and which should never be lost sight of, viz. the right of every member to exercise his discretion upon every question, appropriations as well as others, which came before him. Did not the gentleman know that the most solemn decision had taken place last session on this subject, by a large majority? Indeed, he said, this sentiment was so engrafted in the constitution that the House could not divest themselves of it; for the gentleman to say they did not possess it, was to make a dead letter of their privileges. There could be no doubt on the subject; and it was a sacred and essential principle which would go farther to preserve our liberties than any other which they possessed. He trusted, therefore, they should guard it with special care.

Mr. Gallatin said, he did not mean to follow the gentleman from Massachusetts in what he had said on this subject, because he had not felt the force of what he had advanced, nor very well understood what he meant. Both his meaning and his motive for bringing this business before them to-day were to him mysterious. He had brought before them the treaty question anew, and it would be recollected what were the feelings of the House on that occasion; but he could see no relation which it bore to the present question; and though a number of members in that House had asserted that they were bound to appropriate money to carry a treaty into effect, he did not believe they were ready to say the same with respect to laws.

The gentleman from Massachusetts had said, that if they put a meaning upon the constitution in this respect different from him, that they arrogated the supreme power to themselves. Did not he know that the doctrine applied to the Senate as well as to that House: And did he not see that that would be a check upon the abuse of it in either House, since it was a weapon which both could use?

The gentleman had said they were bound to obey the law. Bound to obey what law? The law for authorising the building of the three frigates? He did not understand how this law was to bind them. This was a mere administrative law, which did not extend to the citizens of the United States;

but gave power to the President to do a certain act; therefore as citizens they had nothing to do with that law, except they were to obey it by appropriating the money necessary to carry it into effect. Yet the gentleman allowed there might be cases in which it would be right to use discretion in the appropriation of money. For his part he did not understand the being bound and not bound at the same time; to have discretion and no discretion. He wished either one or the other opinion to be adopted; and that they might be told that they had, or that they had not, a right to exercise discretion in the appropriation of money. If this exercise were to be allowed in any case, why could it not be allowed in the present? He wondered, therefore, that gentlemen in favour of this motion should have touched upon this ground. He agreed with the gentleman that they had this discretion, and that it ought to be used with caution, and not upon trifling occasions. But he conceived this to be one of those occasions in which it was necessary for those opposed to a naval establishment, to vote against this appropriation. He meant against the appropriation in its extent. It was because he considered a naval establishment as highly injurious to the interests of this country, he should vote against every measure which had a tendency to produce it. That gentleman, and others who thought differently, would vote accordingly.

Mr. G. moved an amendment, viz. that before the word "Frigates" to add "the Hulls of." On the question ayes 45 noes 44. The chairman giving his vote against the amendment it was not carried. It was then put in the original form, to finish the Frigate the sum of dollars and carried. Ayes 54.

The question on the blank being filled with 172,000 was then put, and carried. Ayes 47.

Mr. Gallatin moved to add an item to pay the bounty of 100 dollars which they had agreed should be paid to every officer discharged from the military service in consequence of the regulations which had taken place in the establishment.

This item was filled up with 3000 dollars.

Mr. Gallatin moved to add the following words "which several sums shall be solely applied to the objects for which they are respectively appropriated."

Mr. W. Smith wished, as much as the gentleman from Pennsylvania, to confine the expenditure to the sums appropriated; but the provision for some objects might fall short, while others might have a surplus, which he thought ought

to be made use of to supply deficiencies, in cases of emergency. Ever since the establishment of the present government, the whole appropriation for the military establishment, had been considered as an aggregate fund out of which any of the objects of that establishment might be paid for; but the expence of each object was now to be confined to the specific appropriation. He was afraid, however well this might look in theory, it would be found very mischievous in practice. He wished the gentleman would amend his proposition, by adding, "so far as may be consistent with public exigency;" this would restrict the expenditures, except in unforeseen cases of emergency, to provide for which some latitude of discretion ought to be left to the Executive.

Mr. Sitgreaves did not see the necessity or propriety of the amendment of his colleague, when the house had distributed the appropriations amongst the different objects, as the amendment, he conceived, meant nothing more than that the department should not expend any more than the sum appropriated for the different items, which they had no right to do if there were no amendment. Heretofore when appropriations were made in a mass, the Secretary of War did not feel himself bound to govern himself by the estimate which he had given in; but by particularizing the different items, the former evils was corrected.

Mr. Gallatin said, if the fact were exactly as it had been stated by his colleague, his amendment might be unnecessary, but the treasury department had not acted upon the principle which he had stated. They had notwithstanding the distribution of the appropriation, thought themselves at liberty to take money from an item where there was a surplus, and apply it to another where it was wanted. And when this was objected to, as taking from the Legislature their appropriating power, they answered that the Legislature had entered so much into detail that they could not attend to their directions. They had last session made the appropriations more specific than at present, yet the secretary of the treasury, in a letter written to the house during this session, said, "that it was well known to have been a rule since the establishment of the government, that the appropriations for the Military Establishment were considered as general grants of money, liable to be issued to any of the objects included under that department." Therefore, unless this amendment was introduced, it would leave the power as before. In order to make the business more easy, all the contingent expences were appropriated in one sum.

The object of this amendment, Mr. G. said, was, that no part of the pay of the army should go to the quarter-master's department, &c. and that none of them should go to the building or equipping the frigates; but, if this were not the case, money might be found to get the frigates to sea from the appropriations for the military department, if the President should think it necessary so to apply it. As to the amendment proposed to his amendment, it would do away the intention of it altogether.

Mr. Harper was against the amendment. He thought the department ought to be at liberty, in case of an appropriation proving deficient, to have recourse to other funds, where there might be a surplus, and as none would be taken, except where there was a surplus, he could see no objection to this being allowed. Indeed, for want of such a privilege very serious inconveniencies might arise to the service, in case of accident or unforeseen event.

Mr. Gallatin said, the law did not operate in the manner which the gentleman last up supposed. They had lately voted a sum of 40,000 dollars to make good a deficiency of last year, which had been used for some other purpose, in consequence the deficiency fell upon the pay of the army, although that could not increase; because the number of men was never increased; it might be less, as the nominal, not the actual number of men was appropriated for.

Mr. Kittera thought the amendment a bad one. Suppose, said he, a boat should be over set with tents in the lake, or a magazine blown up, the losses could not be repaired, because, though there might be surplus sums in the treasury, from other items in the establishment, yet, if this amendment prevailed, they could not be touched. He thought this would be the effect; he was against innovations.

The amendment was put and carried, there being 54 votes in favour of it.

The committee then rose, and the house took up the amendments; when

Mr. Dearborn renewed the motion to place "*Hulls of the*" before frigates, which after a few observations from Mr. Page against the manner in which the business of building the frigates had been conducted, particularly with respect to their being built of so much larger a size than ordered. And in Mr. Ames's observations on the power of the house the question was taken by yeas and nays, as follow:

Y E A S.

Theodorus Bailey,
 Abraham Baldwin,
 David Bard,
 Thomas Blount,
 Richard Brent,
 Nathan Bryan,
 Samuel J. Cabell,
 Gabriel Christie,
 Thomas Claiborne,
 John Clopton,
 Isaac Coles,
 Henry Dearborn,
 William Findley,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Albert Gallatin.
 James Gillespie,
 Christopher Greenup,
 Andrew Gregg,
 Wade Hampton,
 Carter B. Harrison,
 John Hathorn,
 Jonathan N. Havens,

James Holland,
 Andrew Jackson,
 George Jackson,
 Matthew Locke,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 James Madison,
 John Milledge,
 Andrew Moore,
 Anthony New,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 John Patten,
 John Richards,
 John S. Sherburne,
 Israel Smith,
 Richard Sprigg, jun.
 William Strudwick,
 Joseph B. Varnum, and
 Abraham Venable, 45

N A Y S

Fisher Ames,
 Theophilus Bradbury,
 Daniel Buck,
 Demsey Burges,
 Joshua Coit,
 William Cooper,
 William Craik,
 Samuel W. Dana,
 James Davenport,
 George Dent,
 George Ege,
 Abiel Foster,
 Dwight Foster,
 Ezekiel Gilbert,
 Nicholas Gilman,

Henry Glenn,
 Chauncey Goodrich,
 Roger Griswold,
 William B. Grove,
 Robert Goodloe Harper,
 Thomas Hartley,
 John Heath,
 William Hindman,
 John Wilkes Kittera,
 Edward Livingston,
 Samuel Lyman,
 Francis Malbone,
 Frederick A. Muhlenberg,
 William Vans Murray,
 Josiah Parker,

Elisha R. Potter,
John Reed,
Samuel Sewall,
Samuel Sitgreaves,
Jeremiah Smith,
Nathaniel Smith,
Isaac Smith,
William Smith,
John Swanwick,

Zephaniah Swift,
George Thatcher
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Phillip Van Cortlandt,
Peleg Wadsworth, and
John Williams.

47.

And then the main question "to finish the frigates
dollars" was taken by yeas and nays as follow,

Y E A S.

Fisher Ames,
Abraham Baldwin,
Theophilus Bradbury,
Richard Brent,
Daniel Buck,
Demsey Burges,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
Henry Dearborn,
George Dent,
George Ege,
William Findley,
Abiel Foster,
Dwight Foster,
Nathaniel Freeman, jun.
Ezekiel Gilbert,
Nicholas Gilman,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
William B. Grove,
Robert Goodloe Harper,
Carter B. Harrison,
Thomas Hartley,
John Heath,
William Hindman,

John Wilkes Kittera,
Edward Livingston,
Samuel Lyman,
Francis Malbone,
John Milledge,
Frederick A. Muhlenberg,
William Vans Murray,
John Nicholas,
Alexander D. Orr,
Josiah Parker,
Elisha R. Potter,
John Reed,
Samuel Sewall,
Samuel Sitgreaves,
Jeremiah Smith,
Nathaniel Smith,
Isaac Smith,
William Smith,
Thomas Sprigg,
John Swanwick,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Philip Van Cortlandt,
Joseph B. Varnum,
Peleg Wadsworth, and
John Williams,

N A Y S.

Theodorus Bailey,
 David Bard,
 Thomas Blount,
 Nathan Bryan,
 Samuel J. Cabell,
 Gabriel Christie,
 Thomas Claiborne,
 John Clopton,
 Isaac Coles,
 Jesse Franklin,
 Albert Gallatin,
 James Gillespie,
 Christopher Greenup,
 Andrew Gregg,
 Wade Hampton,
 John Hathorn,

Jonathan N. Havens,
 James Holland,
 Andrew Jackson,
 George Jackson,
 Matthew Locke,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 Andrew Moore,
 Anthony New,
 John Patten,
 John Richards,
 Israel Smith,
 Richard Sprigg, jun.
 William Strudwick, and
 Abraham Venable. 32.

The question to fill the blank with 178,000, was then put and carried, ayes 47, noes, 42, and the bill ordered for a third reading to-morrow.

The house took up the amendments of the senate to the bill for making regulations respecting the duty on distilled spirits, one of which they insisted upon, viz. that providing that no licences be issued for less than one month. The house adhered to their disagreement to this amendment.

The amendments of the senate to the post-office bill were taken up, and the house receded from their former disagreement to them. One of them, viz. for introducing the words requiring "newspapers to be sufficiently dried," was opposed by Mr. Gallatin and Mr. Macon, as a very oppressive regulation to printers of newspapers, as giving post-masters power to put them to great inconvenience, and as a certain way of increasing the price of newspapers sent into the country. As it involved a principle of consequence, Mr. G. called the yeas and nays upon the question, which were yeas 39, nays 31.

Mr. Macon said since the question had been thus carried, he would move to put off the farther consideration of the bill till the first Monday in December, as he believed that clause would do more harm than the bill would do good. The motion was negatived.

A message was received from the President, informing the house that he had approved and signed the bill granting a further compensation to the attorney general; a bill respecting the registering of ships and vessels, and a bill for relief of the widow de Neufville and family. And the senate informed the house that the President had approved and signed a bill for the accommodation of the President; a bill relating to circuit courts of the United States, and resolutions respecting balances due from certain states.

Adjourned.

S E N A T E.

March 2d, 1797.

The committee to whom was referred the resolutions of the Senate respecting the southern and western boundary of Georgia, having had the same under consideration beg leave to submit the following report—

Georgia was created by charter from the king of Great Britain, dated in June 1732, and originally bounded on the north, by the northern stream of the river Savannah, on the south by the most southerly stream (the Ockmulgee) of the Altamaha, and westward from the heads of the said rivers respectively to the south seas. It was intended as a frontier establishment to strengthen and protect the settlements of South Carolina, and probably to form the southern and western boundary of that province. The country between the Altamaha and St. Mary's being in dispute between Britain and Spain, was excluded from the Georgia charter.

In 1752, the charter of Georgia was surrendered to the crown which from thenceforward possessed exclusively over this, as well as all other colonies which were crown property, the power of enlarging or diminishing the boundaries of the province. By a proclamation dated 7th of October 1763, the lands lying between the rivers Altamaha and St. Mary's were added to Georgia, and by the same instruments "all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from W. & N. W. are reserved under the sovereignty, protection and dominion of the king," which would appear to have excluded and extinguished all jurisdiction in Georgia over the lands beyond the four-

ces of these rivers and to have vested it in the crown. Like the country beyond the Ohio, the lands thus reserved west of Georgia constituted a territory out of which new colonies might from time to time be erected. This opinion is fortified by the actual exercise of this species of jurisdiction by the crown. It enlarged the government of West-Florida by extending its limits northward to a line drawn due east from the mouth of the river Yazous to the river Apalachola, thereby adding more than a degree and a half in breadth to that province. This was not complained of in Georgia, nor was it considered as an encroachment, nor does it appear from any document that Georgia before the revolution ever claimed or exercised any jurisdiction to the westward of the sources of the Oakmulgee river.

The king of Great Britain having, previous to the independence of the United States, severed and annexed to West Florida that portion of the reserved territory, which lies to the south of a parallel drawn due east from the mouth of the Yazou to the Apalachola, there can be no doubt that this territory did not revert to Georgia by our treaties with Great-Britain and Spain, but now belongs to the United States. And if the foregoing construction of the proclamation is just, Georgia can have no good title to the lands lying west of a line drawn from the head of St. Mary's river to the source of Oakmulgee, or west of the sources of the rivers which fall into the sea from the west and the northwest. But inasmuch as this boundary has never been ascertained and in its nature must in many places be uncertain, and as the state of Georgia has claimed and exercised jurisdiction over a great portion of this territory, your committee are of opinion that an amicable and conciliatory plan of accommodating these adverse claims should be adopted by the United States, and for that purpose they recommend the following resolutions—

1st. That the President of the United States be authorized to appoint three commissioners who, or any two of whom, shall have full power to treat, adjust and determine with such commissioners as shall be appointed for that purpose by the state of Georgia, all interfering claims of the United States and Georgia to the lands lying west of a line drawn from the head of St. Mary's river to the source of the Oakmulgee, and west of the sources of the rivers which fall into the sea from the west and the north-west.

2d. That the President of the United States be requested to take measures for ascertaining the number of inhabitants

in this disputed territory, the places of their residence, their right to the soil they now possess. And that he requests from the state of Georgia its consent that a temporary government be established under the authority of the United States over this territory, to continue no longer than the duration of the present dispute, and it is hereby declared that the assent of the state to this measure, shall in no respect be construed so as to affect its title to the lands or the jurisdiction of the country.

3d. That if the consent of Congress shall be obtained for that purpose, the President is hereby authorized to establish a territorial government in the above described country, similar to that of the western territory, and to appoint all the necessary officers therein, whose commissions shall be in force until the next session of Congress; and that they shall respectively enjoy and receive the same compensations for their services as the present officers of the western territory are entitled to receive by law.

Friday, March 3.

The bill making appropriations for the Military and Naval Establishments was read the third time and passed.

A resolution was agreed upon for distributing the 500 copies of the laws ordered to be printed at the last session.

The act for fixing the military establishment was received from the Senate with an amendment, proposing a quartermaster general and a pay-master general to be inserted, which was agreed to, 35 to 32.

The house went into a committee of the whole on the bill respecting the courts of the United States, which having agreed to, was ordered to be read a third time; it was afterwards read a third time, and passed.

The same course was taken with the bill for the relief of John Browne, and also with that for authorising the adjustment and payment of the claims of John Robertson and G. Smith, formerly captives in Algiers, and both were passed.

On motion of Mr. Harper, the resolution calling upon the Secretary of the Treasury for certain statements of duties and drawbacks to be laid before the House every session, was agreed to.

A bill from the Senate, for altering the time of the next meeting of Congress, to the first Monday in November, in-

stead of the first Monday in December. After some objections had been urged against, and some observations in favour of the change, the bill finally passed, 46 to 29.

A message was received from the Senate, informing the house of the passing of several bills, and also that they had resolved that the bill in addition to an act for the relief and protection of American seamen, and that for placing certain persons on the pension list, should be postponed till next session.

A bill from the Senate, to authorize the sale of the land between the great and the little Miami rivers, and to give a pre-emption right to certain purchasers, was read, when

Mr. Sitgreaves moved to postpone the consideration of this bill till the first Monday in December next. He did not think it was right of the Senate to send down to them a bill of this kind on the last day of the session. He did not himself understand the business, nor was there sufficient to go into an enquiry on the subject.

Mr. Gallatin and Mr. Nicholas also spoke against entering upon this business. They observed that the public would perceive that the Senate wished to confine the contract of Mr. Symmes within narrower bounds than that house wished, and therefore no persons could be deceived in this respect in their future purchases of Mr. Symmes.

A bill was also received from the Senate to enable the officers and soldiers of the Virginia line on the continental establishment, to obtain titles to certain lands north west of the river Ohio, between the rivers Sciota and Miami, which on motion of Mr. Coit, was also postponed till the first Monday in December.

Mr. Gallatin said, he wished to propose to the house three resolutions, calling for statements relative to the war department, which he wished to be laid before the house at the next session. They had heard it said upon that floor, by gentlemen who were considered to be well acquainted with the subject, that many expences had taken place in that department which ought to have been checked. Conceiving a check of this kind to be necessary, and knowing that the expence of the military department was increasing from year to year, beyond what the increase in the number of troops would warrant, it was proper to lay the foundation of an inquiry into the subject. Indeed, having just passed a pretty severe law relative to the receivers of public money, and understanding that the Secretary of the Treasury had a long list of delin-

quents, he was desirous of taking some steps in the business. From these considerations, he offered the following resolutions for acceptance.

Resolved, That the Secretary of the Treasury be directed to lay before the House of Representatives within the first week of January next, abstracts of the accounts of all the pay-masters, quarter-masters, contractors, agents for the purchase of supplies, and generally of all the receivers of public monies, paid from the treasury from the 1st of January, 1791, to the 1st of January, 1797, on account of the military establishment, so as to exhibit a detailed statement of the whole amount of monies thus expended to that period; and whether any of the accounts be not finally settled, and shall lay before the house an estimate of monies not accounted for."

"Resolved, That the Secretary of the Treasury be directed to lay, at the same time, before the House of Representatives, similar abstracts of the accounts of all the receivers of public money, expended for the building of the frigates."

Resolved, That it shall be the duty of the Secretary of the Treasury, to lay before the House of Representatives, within the last week of January in each year, a statement of money expended for the military establishment during the next preceding year, distinguishing the sums expended under each head, for which specific appropriations have been made, and an estimate of the probable unsettled demands in relation to each of those heads."

The resolutions were severally agreed to.

Mr. Williams called for the resolution which he laid on the table some days ago. On examining the report of the Secretary of the Treasury, relative to the application and expenditure of the monies appropriated for expences attending the intercourse between the United States and foreign nations, he said, he found large sums of money had been paid on the warrants of the late Secretary of the State, whose accounts remained unsettled; and that neither the accounts of the foreign ministers, bankers, or agents of the United States, nor the records of the department of state, contained any explanation in respect to a considerable part of this money; that they had appropriated large sums of money from time to time, and it was necessary that a full investigation of that business should be had. There was in the report 18,000 dollars, paid on a warrant to Mr. Randolph for the expences of a special envoy to Madrid, though he believed the envoy was not three months on that business. In order, therefore, to come

at a more full knowledge of this subject, he hoped the resolution would be agreed to. It was in the following words:

“Whereas it is stated to this house, in a report of the Secretary of the Treasury of the 15th inst. that the accounts of monies advanced to Edmund Randolph, Esq. late Secretary of State, for the expences of foreign intercourse, still remain unsettled, and that neither the accounts of the foreign ministers, bankers, or agents of the United States, nor the records of the department of state, contain any explanation in respect to a considerable sum of the said monies ;

“Resolved, That the Secretary of the Treasury lay before the House of Representatives, information of the amount of the sums so received by the said Edmund Randolph, Esq. for which there is no explanation, as aforesaid, and what measures have been taken to obtain a settlement of the said accounts.

Mr. Gallatin had no objection to the inquiry, but he did not think the way proposed, was the proper way of making it. If the gentleman had attended to the statement on the subject, he would have seen that the Secretary of the Treasury was not the person to be applied to. The statement alluded to by the gentleman from New-York was not satisfactory ; but the law with respect to foreign intercourse gave the President power to draw money from the treasury without stating any thing more than that it was wanted for foreign intercourse [Mr. G. read an extract from the law in this business] therefore, Mr. G. said, they knew only the President of the United States. He was the only officer authorized to draw money from the treasury for this purpose, in doing which he might specify the purpose for which it was wanted, or he might issue a certificate, or cause the Secretary of State to do so, under the general head of foreign intercourse, and it was sufficient authority for the payment of the money. From the statement which they had received, it was evident that the Secretary of the Treasury must have received information from the President of the United States beyond what he had received by means of the certificates calling for the money, because he informed them that the sums of money received by Edmund Randolph were not accounted for, which information he could have had only from the President himself, who must have informed him that he entrusted him as his agent in the business, and that he had not duly accounted for the money which he received. He supposed the President would direct the Secretary of the Treasury to take

measures to get a settlement with Mr. Randolph; but, in a legal point of view, they could not apply to the Secretary of the Treasury, as *ex officio* he knew nothing of the matter. He moved, therefore, that instead of the Secretary of the Treasury, "the President of the United States should be requested, if he shall think it adviseable, &c. He wished information on the subject, as, from the report of the Secretary of the Treasury, there seemed to tie a strong suspicion against Mr. Randolph in the business; but, as they knew no other person than the President of the United States in the transaction, he wished him to be called upon, and not upon the Secretary of the Treasury.

Mr. Williams said it mattered not to him who was called upon, so that he had the information; but he thought the Secretary of the Treasury was the proper person to be applied to.

Mr. W. Smith thought it best for the resolution to pass in its present shape. All these accounts were settled at the Treasury Department; that Department had sent them some information, but it did not go far enough. It did not descend sufficiently into particulars; it was proper, therefore, to apply to the same Department for other and further information. Certain large sums were stated to have been drawn out of the Treasury by warrants in favour of Mr. Randolph, but no account had been given by him of the expenditure of the said money. The course of this business was this: When the Secretary of State applied for money at the Treasury, he stated a certain sum to be wanted for foreign intercourse, or whatever the expenditure might be; this might go on from time to time until the whole sum appropriated was expended. Afterwards it was the practice of the Secretary of State to make out a detailed statement of the expenditure; to exhibit his vouchers and balance the account according to law: and, if any balance remained in hand, to pay it into the Treasury, or retain it in hand for further service. But with respect to Mr. Randolph, it appeared, that 150,000 or 160,000 dollars had been received by him on warrants, of which no detailed account of the expenditure had yet been settled at the Treasury, and although, before his resignation in August 1795, he informed the Executive that he should settle his accounts before he left Philadelphia, yet they were now informed from the Treasury that they had received no account of the application of a considerable part of this

money. Under these circumstances, it would be idle to apply to the President, for he could only refer them to the Treasury Department.

The motion of the gentleman from New-York seemed to have two objects in view, viz. to obtain information as to the amount, for which no account had been rendered, and also to know what measures had been adopted to enforce a settlement. They found from the report the business stated in this vague manner; issued to Mr. Randolph on a warrant, dated February 7th, 10,000 dollars—on another dated February 13, 10,000 dollars—on another dated April 10, 10,000 more. In May, 1794, there were also 18,000 dollars issued to him on account of Mr. Jay's negotiation &c. &c. but there was nothing to shew on the part of Mr. Randolph, as to the application of all this money as far as appeared from the records of the Treasury.

As no vouchers had been received from Mr. Randolph of the expenditure of all these several sums to enable the Treasury Department to make a final adjustment of his accounts, it was necessary, therefore, to call upon the Secretary of the Treasury to know the amount of ~~the~~ deficiency, and what means had been taken to obtain a settlement.

Mr. Smith concluded by observing that without intending to pre-judge the ultimate issue of this business, he would however incidentally remark that this information would be very useful to the next house, which might on a view of it determine on the propriety or impropriety of an impeachment, for as judgment, on cases of impeachment involved a disqualification to hold and enjoy any office of honour, trust or profit under the United States, he considered an impeachment to be against an officer of the United States as well after as before a resignation or dismissal from office.

Mr. Gallatin said the gentleman from South Carolina had not paid the least attention to what he had said on the subject. If he had read the law, he would have seen that the President of the United States was authorised to specify the purposes for which money was drawn from the Treasury for foreign intercourse, or not, as he pleased. The law being so expressed, it appeared to him that the Secretary of the Treasury had nothing to do in the business. The President had directed certificates to be drawn out in general terms, which had been paid by the Secretary of the Treasury. After he had done this, he had no farther concern in the business;

the matter lay betwixt the President and the Secretary of State, and he thought they could only properly apply to the President for information on the subject. If they applied to the Secretary of the Treasury for information, what they could get from thence could only be of a partial kind, since he could not know much about the business. If, indeed, gentlemen were apprised that other information could be had from thence, more than had been received, he knew of none such, nor did the house know of any. Whatever knowledge that department had of the transaction must have been gained from other sources; they could not have it in their official capacity; but, by an application to the President, the house would not only learn what was known at the Treasury but what he knew also upon the business, which would certainly be most satisfactory.

Mr. Harper was doubtful whether the measure was proper at all; if it were, he thought the motion should be agreed to as moved originally. The gentleman from Pennsylvania seemed to think the object of this resolution was to know in what manner this money had been expended. He took it this was not the object of the resolution. They all knew what the President of the United States had done, they knew he had not only employed Mr. Randolph to obtain the money from the Treasury, but also as his agent in the expenditure of it. What further did they wish to know from the President? They knew his agent had not rendered an account of the manner in which this money had been expended. They should probably be told that considerable sums had not been accounted for. He would tell them he had directed his agent to do so and so, and account with the Treasury Department. This they knew already as well as the President of the United States. What was it then they wanted to know? They wanted to know the amount of the deficiency; and he thought they might very well trust the Executive and the Secretary of the Treasury to settle the business. He believed it was not necessary to make the matter more public than it was. They were told steps had been taken; and he supposed they all knew what these steps were; and when the result were known, they should doubtless be informed of it.

The amendment was put and negatived 32 to 26.

Mr. W. Smith wished to make a few observations in reply to his colleague, who seemed to think there was no need for the proposed application. He was decidedly of opinion that

an officer was as liable to impeachment for misconduct, after he had resigned his office, as whilst he held it, as an impeachment went to disqualify a person for ever after from holding any office under the government of the United States. If it should appear, therefore, that any person who had retired from office, had misapplied any part of the public money, it was the duty of that house to institute an impeachment against him, and if such impeachment should be successful before the Senate, he would be accordingly for ever disqualified from holding any office under the United States. There was, therefore, a strict propriety in that house, whenever there was information before them of a misapplication of public money, prosecuting an enquiry into the matter, not only as to the amount of the deficiency, but as to the nature of the steps which may have been taken on the subject. He therefore thought the present enquiry was a very proper one.

Mr. Williams again urged the propriety of his motion, and the question was put and carried, without a division.

A message was received from the President, informing the house that he had approved and signed the bill relative to the compensation of officers employed in receiving duties on impost and tonnage; the bill for raising additional duties upon sundry articles of impost, and the bill making appropriations for the support of government for the year 1797.

Mr. A. Foster, from the committee of enrollment, reported a number of bills as duly enrolled, which accordingly received the signature of the Speaker. He afterwards reported them to have been laid before the President.

Adjourned till six o'clock.

Friday, March 3.

Evening Sitting.

The bill appropriating money for the Military and Naval Establishments, was received from the Senate with an amendment, proposing to do away the restriction which had been introduced into the bill to confine the expenditure of money to the specific objects for which each sum is appropriated.

Mr. Dana hoped the house would recede from the amendment.

Mr. Gallatin said, that by the constitution, no money was to be granted, but by a law passing the regular mode : now said Mr. G. this is not by law ; if after a certain sum is granted for one item, it be not used to that purpose, but put to some other object. This was certainly according to the spirit of the constitution, and if you do not strictly abide by that, you may as well set aside the constitution, and say we will appropriate 6,000,000 dollars for the support of government, for the present year. If we mean to carry the constitution into effect, we must reject the amendment.

Mr. Sitgreaves observed that his opinion on this point was, that the house had a constitutional power, to depart from any identifying of articles to sums granted, and that departure grew out of necessity ; for, the extreme embarrassment, which would attend the practice of a strict adherence would render it impracticable : but as he did not mean to stand responsible for the motion, he should be satisfied with calling for the Yeas and Nays : which were agreed to be taken.

Mr. Nicholas thought that when gentlemen went on supporting such unlimited measures as had lately taken place, and voting such a waste of money, it would be very dangerous. When we see large sums voted for an army and navy in time of peace, said he, it would justify us in adopting some regulation to prevent it. The difference between the operation of this and the other mode is, that in this you confine your public officers to the identical object for which a sum is appropriated ; otherwise they might use, what they would call overplus *money* to any object they might think fit. According to this method proposed by the Senate, any sum may be taken from any certain object, and placed to any other, which Mr. Nicholas thought too unbounded a power to be placed in the Executive.

Mr. Parker said he would not pretend to justify the expenditure on the military establishment, but he could not help observing that the casualties, to which the forage and clothing, &c. which is transported to our garrisons, are exposed, are very great. Though at peace with the Indians, it is but a temporary one, and we cannot be sure they will not intercept our stores ; besides other accidents to which it is exposed, all which make it necessary that the hands of the Executive should not be tied from using the surplussage of

some, to the accidental and unforeseen deficiencies of others; without this, the army may be exposed to the most poignant distress owing to a deficiency in the appropriation, while the treasury has money in hand as surplus from other objects. Considering the great importance of an appropriation, he hoped gentlemen would not so incline to oppose the bill, especially, said he, when our existence will not, as a legislative body, be more than four hours, and in that time it must pass other authorities before it can be put into effect, if it is lost the effects will be bad. Mr. Parker said he had as many scruples as any gentleman, and would take every measure to preserve the constitution inviolate, but he should be sorry if under a fear of offending it, the government should be stopped.

Mr. Heath.—If my existence was to be but for one moment, I would stand here and oppose this resolution; to let it pass, is precluding the freedom of enquiry into the conduct of our public officers; if we were to commence this loose kind of a way of appropriating, we may go on to do this, that and the other, until we were too far to stop. Were we to indulge ourselves to go into the wide fields of accident, we might suppose this, and that, but our imaginations would have no end. He lamented the shortness of the time they had to discuss it.

Mr. Gilbert acknowledged this was the age of reason, but he was sorry the House should be inclined to adopt an entire new doctrine of privileges. We should not hazard a new position, when it may be attended with the greatest danger, therefore he hoped they would agree with the Senate.

Mr. Harper thought it would not be very difficult to convince gentlemen who oppose, that the amendment was calculated to secure the very object they wished. It was not a violation of the constitution as some gentlemen supposed. He would ask, could not an appropriation be made for the use of the military establishment in general terms? Yes, he would answer, else how could an appropriation in general terms have been made for the intercourse with foreign nations? Certainly it could not be unconstitutional to appropriate the overplus of one article to supply the deficiency of another. One moment's reflection, Mr. Harper thought, would convince members of the error of a contrary opinion. It might not be safe to do it without law, but here is a law allowing it. The whole must suffer if the war department is deficient, which cannot be avoided if one is not to assist another

branch, for it is scarce possible to guard against every contingency. He thought the amendment beneficial in the highest degree, and without it, would stop the war department in its operations. He hoped no delay would take place, as it endangered the bill.

Mr. Varnum said, that notwithstanding all that gentlemen might produce to prove the necessity of giving the Executive large powers, yet it was dangerous; he instanced that if the Executive were determined to man and equip the frigates for sea, they would have power to do it from money appropriated, and intended for other purposes; thus it was transferring a power, solely vested in the legislature, into the Executive department. He thought it was an infringement in the constitution; it was putting the power when it never was intended to be; although he had great respect for that department, yet he did not wish to see its powers extended too far. A gentleman had intimated he should not wish the bill to be altered, if he was sure there would not be war with the Indians. He would answer that there could not be a war until the Legislature met again. As it relates to appropriation.

Mr. Varnum said, that there was one fifth more money appropriated than could be used before the next meeting of Congress, for there would be two months of the present years' appropriation, during any part of which another bill might be passed.

Mr. Swanwick thought there was no danger of the bill being lost; it was necessary to discuss a principle which appeared to admit of danger; it was throwing the whole of the money to the mercy of the treasury department.

Mr. Page said he should vote for the amendment, but he rose to express his disapprobation of it, and he should have been glad if there was time to make another bill. We must either suffer the community, said he, to abide under great disadvantages, or ourselves. If they could exist, politically, he said he should be happy to destroy that bill. He must acknowledge it was crammed down his throat.

Mr. Livingston said that the reasons urged by the gentleman from Massachusetts, instead of the end he proposed, would have a contrary effect. Mr. L. believed that this amendment had a tendency to lessen the privileges of the House; believing this, no object of convenience, no view to the general opinion should ever prevent him voting against it. He believed it pregnant with mischief. The civil and

military departments would be too easily connected; if the one wanted assistance, while the treasury had money in hand it would be supplied. He thought the House had voted sufficient to answer every purpose intended, and he believed, whatever specious arguments may be used, the House would not recede. If any evil attended, he was willing to take his part of the blame; but he was not apprehensive of any.

Mr. W. Lyman hoped it would not pass, as it was full of danger and bad principles.

Mr. W. Smith said the appropriation to the military establishment had always been considered a general grant of money, therefore it would introduce no new principles, but the manner of this bill, passed in this House the day before the close of the session, and sent up to the Senate the very day of the adjournment.

Mr. Smith said gentlemen talked about the constitution, but he thought they had wrong ideas of the evils of this business: it was not whether they gave too much power to their officers, but the military establishment could not go on, then the President would be obliged to alarm the whole nation, and incur a vast expence to get the Congress together, and all for want of due time and regulations. And now we must cram it down the throats of the Senate. Surely gentlemen should have some moderation and not be so high-toned as to prevent any other branch of the Legislature from exercising their powers as well as us.

On the question being taken to concur with this amendment, the Yeas and Nays were as follow:

Y E A S.

Theophilus Bradbury,
Daniel Buck,
Demsey Burges,
Joshua Coit,
William Cooper,
William Craik,
Samuel W. Dana,
James Davenport,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Ezekiel Gilbert,

Nicholas Gilman,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
Thomas Hartley,
William Hindman,
John Wilkes Kittera,
George Leonard,
Samuel Lyman,
Francis Malbone,
John Page,
Josiah Parker,
Samuel Sewall,

Samuel Sitgreaves,
Nathaniel Smith,
Isaac Smith,
William Smith,
Zephaniah Swift,

George Thatcher,
Richard Thomas,
John E. Van Allen,
Peleg Wadsworth, and
John Williams,

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N A Y S.

Theodorus Bailey,
Abraham Baldwin,
David Bard,
Thomas Blount,
Richard Brent,
Nathan Bryan,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Isaac Coles,
Henry Dearborn,
William Findley,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin.
James Gillespie,
Christopher Greenup,
Andrew Gregg,
Wade Hampton,
John Hathorn,
Jonathan N. Havens,
John Heath,
James Holland,
Andrew Jackson,

George Jackson,
Matthew Locke,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
James Madison,
John Milledge,
Andrew Moore,
Frederick A. Muhlenberg,
Anthony New,
John Nicholas,
Alexander D. Orr,
John Patten,
Elisha R. Potter,
John Reed,
John Richards,
John S. Sherburne,
Tompson J. Skinner,
Richard Sprigg, jun.
Thomas Sprigg,
William Strudwick,
John Swanwick,
Joseph B. Varnum,
Abraham Venable, and
Richard Winn.

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The bill was sent again to the Senate, and soon after returned with the amendment receded from. It was reported as duly enrolled, and afterwards laid before the President.

Mr. Harper moved that a resolution, which he laid on the table yesterday, respecting Major-General La Fayette, should be taken up for consideration. The motion was seconded by Mr. W. Smith. The resolution was in the following words :

“ This House, strongly impressed with a just sense of the important and disinterested services rendered to their

“ country, during the late war, by their fellow-citizen, Major-General La Fayette, and deeply regretting the sufferings to which he is now subjected from a long and rigorous imprisonment, and which have equally excited their sympathy, and the ardent wish of their constituents for his deliverance, do resolve, that the President of the United States be informed, that this House will see with the highest satisfaction any measures which he may deem expedient to adopt towards effecting the restoration of their said fellow-citizen to liberty.”

The question was taken for the House to take it up and lost.

Ayes	32
Noes	52

Mr. Livingston said he had some time been wishing to put forward something similar, he really hoped some negotiation would be carried on to effect his liberation. It would be honourable to this country to interpose in behalf of this man, who has a claim on American service. While suffering for us on his part, let gratitude, and every feeling that can affect the heart be ours. Abandoned by his own country, and to increase his sufferings precluded from almost every enjoyment of life. It would be honourable in us to interest ourselves in his behalf, appropriating some small sum which may enable the President to make some progress towards his release; thus while it is honourable to America, if it has no effect it may afford some comfort to the unfortunate sufferer, to think he is not forgotten. He then proposed a resolution, not materially varying from that just offered by Mr. Harper, hoping that the little variation would prevent it suffering a similar fate.

Mr. Parker said as it was a personal question he hoped it would lie on the table.

Mr. Coit thought it a delicate question, and one which ought not to be agitated, and therefore moved the previous question.

Mr. Hartly spoke to Mr. Parker observing its personality. He answered that the man suffered much for this country, and therefore was entitled to regard. He acknowledged with Mr. Coit there was much delicacy in the business, and therefore hoped it would speedily be discussed,—it ought not be postponed; the man is now suffering in a most distressing confinement. If any of the soldiers of 1789 were here

said Mr. H. with whom he was in council, there would not be a dissenting voice, to using every exertion. He hoped the house would never forget such brilliant services.

Mr. Swanwick said there need not be a dissenting voice, but we ought to be cautious how we multiply our negotiations, as this could not be done without entering into a negotiation with the Emperor of Germany in the regular way. It is not want of respect that should prevent us, said he, but are we provided to go into all the consequences attending a new negotiation? there is a delicacy in it, of which we ought to be careful. There is not the least doubt but the President has as much desire for his release as any gentleman, but he, no doubt, deliberated, and saw the danger of it. Mr. Swanwick said he lamented our foreign negotiations in toto; there was no good derived from them, and he could not anticipate any from new ones.

Mr. Nicholas said he felt as much disposition to take measures for his release as any man, but he thought the business undertaken too hastily. Suppose said he, you give instructions to the President, and he does not think proper to act on it, so far from being a complement to Fayette it would hurt his mind, should he hear it had been agitated.

Mr. Clairborn saw no difficulty attending the resolution. He hoped the house would render this essential service to the unfortunate sufferer, if even in the last hour of the Congress.

Mr. Christie said it was an improper time to take up the resolution, but as they had to sit there two or three hours longer, and no business to do this might as well occupy the attention of the house as not.

Mr. Livingston would be sorry to impose a burden upon the country but he thought this a duty incumbent on them. He hoped gentlemen would openly come forward and avow their sentiments, and not shelter themselves under the previous question; remember, said he, he came here from the pompous ease of a foreign court;—he voluntarily served the cause of America, and bled for her;—he in a great measure procured the interest which formed the alliance with France in our defence;—besides spending a princely fortune in our cause, he asked nothing, nor would accept any compensation for his services; and now he is abandoned to the most dreadful situation possible, some of that compensation, justly due to his services is refused him as a balm to his former woes by attempting his release. This is the situation of the man,

for whom this house is asked only to express their desire for his comfort.—This is the man who was met with pleasure in every part of the United States: all the people rejoiced to express their gratitude to him;—he was accompanied with testimonials of admiration and thanks from the whole continent: and now that we should not say, that we will feel with pleasure measures taken towards obtaining his liberty! we can pity him, and regret his situation, but refuse to lend him the least assistance to sooth his distress. We do not call upon the house to vent its *infantine* sorrow—to show its *womanish* pity, no, we call on it, to express a will, predominant throughout the United States, in the behalf of this unfortunate man. But it is said, that we should get the ill will of the nations who prosecuted him. Unless they bid adieu to all the tender feelings of humanity, they never can take offence. It has been also supposed it would be ineffectual; he had no doubt but the executive would take those measures which would be most effectual and least endangering to the nation; it could not make the situation of the sufferer worse, and if we succeed in procuring his liberty, it would give pleasure to every heart who can sympathize with the distressed, or feel gratitude for high obligations; and if it does not have that happy effect, still we may feel consolation at having done our duty. If these measures were taken, it would illuminate the loathsome horrors of a Dungeon, the most dreadful,—it would sweep away that reproach, “that republicans know no gratitude”—that we, who had his best exertions while in prosperity, do not forget him in adversity. Mr. L. said he really believed that if he had not known the principles of liberty here and helped us in our struggle for it, he would have never have existed in misery in the Dungeon at Olmutz, and therefore the highest obligation were laid on the United States to exert herself in his behalf.

Mr. Heath hoped that, although the gentleman had laboured to excite the pathetic, yet he would not charge the house with a want of republicanism if the measure was not adopted. Mr. Heath thought it extremely improper to be introduced in the house, he said the President knew the will of the United States on the subject, and therefore if he saw proper he could take it up. He hoped the gentleman would remember this was a complicated case, for since he had left this country he had become a citizen of another country. Mr. Heath said, he felt for his unfortunate situation—he had fought under his banner.—We are not to be charged with a

want of patriotism, and feeling for this suffering hero, because we think it imprudent to interest and involve ourselves in his behalf, merely to indulge the flighty fancy of a few individuals. We might go, said he, and address the President to exert himself as far as he saw proper in his behalf, as a body of individuals, but not as a legislature.

Mr. W. Smith could see no kind of impropriety in the measure. It had been said, it was a new subject and therefore ought not be taken up now; but was it not introduced yesterday! Did gentlemen want an age to express an opinion which every member feels?—which the whole nation feels? The motion only went to express a wish that measures may be taken according to the judgment of the executive; if he had a thought or wish to adopt measures this would encourage him to carry them into effect. Europe might feel a pleasure that we interested ourselves in his behalf. Did he not embark his all for this country? It has been well said, said Mr. S. that if the motion had been made in 1779, or 1780, no previous question would then have been called,—no opposition then made. Read the journals of the national representation for 1780 and 1783—there we find one member from each State was appointed to take leave of him in behalf of the whole [Mr. Smith here read the journals of that time, which insert at length the proceeding, address, and answer attending the transaction] there, said he they expressed their zeal for his future welfare and gratitude for his favours, accompanying it with a letter to the French King, requesting him to bestow his favours upon him. From the frequent respectful mention made of his services, on the journals of the house, there appears to have been much attention paid to his services by Congress. Even the parliament of Great-Britain he said, had discussed the question on his confinement, and should this house refuse, who are so much obliged by his services? nothing that had been said opposed to it could convince him but that we were called upon by every tie of gratitude to adopt the measure. The satisfaction of knowing that his services are not forgotten, may render more comfortable his Dungeon, may follow him into the deserts of Siberia, or wherever the cruel hand of oppression may send him.

Mr. Madison did not think there was time to do all the business requisite to render due justice to the motion, and he hoped the House would do more than was intended by the motion. He believed the only regular mode would be to appoint a committee to bring in a bill. He therefore moved the House to go into a committee for that purpose.

Mr. Sitgreaves said, according to the motion, there was no necessity for this mode, as it was of a nature not to require another branch of the Legislature, it was quite sufficient if the House passed the resolution. He was sorry to hear the previous question called for, to get rid of the business, but he hoped it would not prevail; he thought, this motion required early attention. He said attention was due to Fayette; America was highly indebted to him; it is a debt of justice, and ought to be paid; and while this House delays to interpose in his behalf, he must remain in confinement; those gentlemen who thought the House ought to interpose, should think this is the very time, if any good is intended to be done, he therefore hoped they would not delay.

Mr. Harper said, if the subject was on the sending an ambassador to negotiate for the liberation of this man, it might with more propriety be opposed; he was surprised that any gentleman in the House should be opposed to expressing a wish for measures to be taken which may prove effectual for that purpose. When he had no need of our caresses, the United States resounded with his name, he was then met with tokens of respect and congratulation wherever he went; but now pining under the cruel hand of despotic vengeance in a loathsome dungeon, weighed down by chains, with a scant allowance: when we view his present, contrasted with his past situation, embarking from the magnificent splendour of the French Court, displeasing his sovereign, embarking himself, and hazarding every thing that was dear to him, in support of American liberty. Is this the man, Mr. Harper would ask, to whom America said, he should never cease to have her best wishes and endeavours for his good?—When, in the most grievous captivity, we refuse to express a desire for a morsel of comfort to his depressed mind. What avail our toasts, our boasted recollections of him, and regret at his fate, if we take not every opportunity to alleviate that distress. But the worst of his misfortunes is not to be in a dungeon, he is now racked with a fear of being sent into the inhospitable deserts of Siberia, whence is no hope ever to expect his return into the civilized world; and with this unwelcome intelligence the American Legislature refuses to express a wish for his deliverance. Who knows but the power in whose custody he is, may expect America to interest herself in his favour, and by a pretext like this, he might be liberated, or at least his fear of removal dissipated, and his present misery alleviated. Mr. Harper said, he was sure it

would be highly gratifying to the citizens of America to hear of the measure,—they had long expected it, and if undertaken, he had the greatest hopes of its success, in a measure; if it should but tend to soften his present distress, it would be a happiness, but, if its effects should be to restore to liberty, one to whom America is so much indebted, it would amply repay whatsoever trouble is taken towards its accomplishment.

Mr. W. Lyman did not doubt of the services of the Marquis la Fayette; he was always the subject of adoration, and the toast of this country; besides, it has made him liberal grants for his services, and he thought there could be no proof that we were wanting in marks of esteem for him. With respect to the motion, Mr. Lyman asked, to whom application was to be made? Does any gentleman on this floor know who confined him? Or by order of what government? No court are willing to avow it. Britain, France and Prussia disavows it, and he believed the Emperor also: until that was clear, the measure would be improper. May not the agitation of such a question in the house awake a jealousy in some of those powers towards us, which may militate to our injury, and injure the man whom the attempt is meant to serve. Gentlemen have depicted the sufferings in very lively colours, said Mr. L. and were it in my power, or were it, consistently, in the power of the house, I should be happy to afford relief. Until some of the difficulties in its way were cleared, he said, he should be forced to put his negative to it.

He thought gentlemen who saw the matter so necessary and the way so clear, had reason to reproach themselves for letting it sleep so long; and not have introduced it at the last hour of the existence of the houses.

Mr. Harper and Mr. Livingston said, that nothing but the constant press of public business had prevented their motions sooner, and they thought there was even now, time enough, as it only required an expression of the desire of the house for the object.

Mr. Buck said the services and sufferings of the Marquis was indeliably written on the hearts of all the citizens of America, and he thought there was no need of that torrent of oratory which had been displayed to affect the feelings of the house. He thought it would prove its weakness to suffer its feelings to predominate, we ought to give a decision only by the force of judgment, after due deliberation, for *feeling* could not look forward to consequences: were we to implicitly to

obey it, we should take many bad steps. Do we not know, said Mr. Buck, that he is among the persons proscribed by France? and considering the very brittle situation of our peace with that country at present, we should be induced rather to strengthen than weaken our ties, for the motion goes to authorize the President to take *any* measures to support Fayette: this being the situation, we know not where the measures may end, and it would be a serious thing to be plunged in a war with France on that account. He hoped the house would not precipitate the business, but give themselves time to examine the consequences. This, Mr. Buck said, had induced him to oppose the motion, though congenial to his feelings, he therefore should vote for the previous, and against the main question.

Mr. Claiborne was against the previous question. He would hazard any thing for the happiness of a man we owe so much to. Who sees, said he; the unfortunate man, with his lady and daughter, under all the miseries that despotism and tyranny can inflict; in a wretched dungeon, without even the comforts of life! Here he appealed to the feelings of the members in a very forcible manner, and with the most bitter invective, ardently wished the destruction of his cruel oppressors. He observed on the uneasiness the members of the house were in, if public business detained them half an hour beyond the usual time from their dinners, and applied the case to that of this unfortunate man in continual confinement, and after all with miserable fare.

Mr. Claiborne asked where the word in the motion was, that could give umbrage to France, or Britain, or any other power? he should wish to avoid that with as much care as any member, but he saw no danger of this kind. Let us, said he, show the world that America has gratitude, and pity to display. He concluded, after much nervous sympathy, with hoping that the spirit of *patriotism* and love of *liberty* which La Fayette displayed in America, might pervade the whole world, and, ultimately, that ALL NATURE MAY BE FREE.

The previous question was then put, "Shall the main question now be put," and negatived.

Ayes 25.

Mr. Livingston then brought forward a similar resolution, which caused very considerable debate, and was at length got rid of by the previous question. The principal objection to the adoption of this motion seemed to be the late period at

which it was brought forward ; all were agreed as to the merits and the misfortunes of the man, and, had the motion been introduced at any other time than on the eve of the rising of the session, there could be little doubt it would have been agreed to by a very large majority.

Mr. Blount said, he wished to offer a resolution to the house, which, as he was certain there could be no opposition to it, would occupy little of their time. He should wish the Clerk to read it, and take the sense of the house upon it. It was in the following words :

“ Resolved, that the thanks of this house be presented to JONATHAN DAYTON, in testimony of their approbation of his conduct in discharging the arduous and important duties assigned him while in the Chair.”

The Clerk accordingly put the resolution, and it was unanimously carried ;

When the Speaker thus addressed the house.

“ GENTLEMEN,

“ I feel myself deeply impressed with this fresh proof of your approbation of my conduct in the Chair. The confidence and support which you have in every instance afforded me in the station assigned to me, have alone enabled me to discharge the important duty, with satisfaction to myself, and with advantage to the Public.”

A message from the Senate informed the house, that the President had approved and signed, an act respecting the Courts of the United States, and an act for altering the next meeting of Congress, which originated in that house.

Also, that they had appointed a committee, to join a committee of that house, to wait upon the President to inform him they had finished their business, and, except he had any further communications to make, they were ready to adjourn, without day.

A message from the President of the United States, informed the house, that he had approved and signed the following acts which originated in that house, viz.

An act to authorize the prosecution of the claims of citizens whose property has been captured by the Belligerent Powers ;

An act to suspend the act laying a duty upon Snuff and Refined Sugar ;

An act appropriating a farther sum of money for the Negotiations with Algiers ;

An act to authorize the Receipt of Evidences of the Public Debts for Lands belonging to the United States ;

An act for regulating the Post-Office and Post-Roads ;

An act mitigating or remitting Fines, Penalties and Disabilities, under the Revenue Laws ;

An act for placing certain Buoy's in and near the harbour of Boston ;

An act for the relief of John Browne ;

An act providing for the more effectual settlement of accounts with the Receivers of Public Monies ;

An act for appropriating money for the pay of the Military and Naval Establishments ;

An act authorising the settlement of the claims of George Smith and John Robertson ;

An act repealing in part the act imposing a duty on Domestic Spirits, and transferring the duty on Stills according to their capacity ;

An act fixing the Military Establishment ;

An act for extending the time for receiving on loan the Domestic Debts ;

And also a Resolution directing the distribution of 500 copies of the Laws of the United States.

The house agreed to appoint a committee to join that of the Senate to wait upon the President, and Messrs. Sitgreaves, Parker and Sherborn, being named they accordingly waited upon the President, and Mr. Sitgreaves reported, that the President had no farther communication to make, except, " that he wished them a happy return to their Families and Friends."

The Speaker then said, " I adjourn this house without day," and the house adjourned accordingly.

It was past eleven o'clock ; so that the three branches of Government were exercising their powers in the last hour of their existence.

Saturday, March 4.

This day at 12 o'clock, agreeably to the notification which he gave to both Houses of Congress soon after his election, JOHN ADAMS, as President of the United States, attended in the Chamber of the House of Representatives, to take his oath of office, according to the direction of the Constitution.

On his entrance, as well as on the entrance of the late President, and of THOMAS JEFFERSON, the Vice-President, loud and reiterated applause involuntarily burst from the audience. The President having taken his seat on the elevated Chair of the Speaker of the House of Representatives, the Vice-President, the late President, and the Secretary of the Senate on his right, the Speaker and Clerk of the House of Representatives on his left, and the Chief Justice of the United States and the Associate Judges at a table in the centre, all the Foreign Ministers and Ambassadors, the Heads of Departments, General Wilkinson, the Commander in Chief, and a very crowded auditory of the principal inhabitants of this city being present, the President proceeded to deliver the following

S P E E C H:

“WHEN it was first perceived, in early times, that no middle course for America remained; between unlimited submission to a foreign legislature, and a total independance of its claims: men of reflection, were less apprehensive of danger, from the formidable power of fleets and armies, they must determine to resist, than from those contests and dissensions, which would certainly arise, concerning the forms of government to be instituted, over the whole and over the parts of this extensive country. Relying however, on the purity of their intentions, the justice of their cause, and the integrity and intention of the people under an over-ruling Providence, which had so signally protected this country from the first. *The Representatives of this Nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an Ocean of Uncertainty.*

“The zeal and ardour of the People, during the Revolutionary War, supplying the place of government, commanded a degree of order, sufficient at least for a temporary pre-

tervation of Society. The Confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic Confederacies, the only examples which remain with any detail and precision, in history, and certainly the only ones, which the people at large, had ever considered. But reflecting on the striking difference, in so many particulars, between this country and those, where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it, that it could not be durable.

“ Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in states, soon appeared, with their melancholy consequences; universal languor, jealousies and rivalries of states; decline of navigation and commerce; discouragement of necessary manufacturers; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great National Calamity.

“ In this dangerous crisis, the People of America were not abandoned, by their usual good sense, presence of mind, resolution or integrity.—Measures were pursued to concert a plan, to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of Liberty. The public disquisitions, discussions and deliberations issued in the present happy constitution of government.

“ Employed in the service of my country abroad, during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation and relation of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government, as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a Constitution which was to rule me and my posterity, as well as them and

theirs, I did not hesitate to express my approbation of it, on all occasions in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the People themselves, in the course of their experience should see and feel to be necessary or expedient, and by their Representatives in Congress and the State Legislatures, according to the Constitution itself, adopt and ordain.

“ Returning to the bosom of my country, after a painful separation from it, for ten years, I had the honour to be elected to a station under the new Order of Things, and I have repeatedly laid myself under the most serious obligation to support the Constitution. The operation of it had equalled the most sanguine expectation of its friends: and from an habitual attention to it, satisfaction in its administration, and delight in its effects, upon the Peace, Order, Prosperity and Happiness of the Nation, I have acquired an habitual attachment to it, and veneration for it.

“ WHAT OTHER FORM OF GOVERNMENT INDEED CAN SO WELL DESERVE OUR ESTEEM AND LOVE?

“ There may be little solidity in an ancient idea, that congregations of men into cities and nations, are the most pleasing objects in the sight of Superior Intelligencies: but this is very certain, that to a benovolent human mind, there can be no spectacle presented by any nation, more pleasing, more noble, majestic or august, than an assembly, like that which has so often been seen in this and the other chamber of Congress, of a Government, in which the Executive authority, as well as that of all the branches of the Legislature, are exercised by Citizens selected, at regular periods, by their neighbours, to make and execute laws for the general good. Can any thing essential, can thing more than mere ornament and decoration be added to this by robes or Diamonds? Can authority be more amiable, or respectable, when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened People? For it is the People only that are represented: it is their power, and majesty that is reflected and only for their good, in every legitimate Government, under whatever form it may appear. The existence of such a Government as ours, for any length of time, is a full proof of a general dissemination of knowledge and virtue, throughout the whole body of the People. And what ob-

ject or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information and benevolence.

“ In the midst of these pleasing ideas, we should be unfaithful to ourselves; if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party, through artifice or corruption, the Government may be the choice of a party, for its own ends, not of the nation, for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue or venality, the Government may not be the choice of the American People, but of foreign nations. It may be foreign nations who govern us, and not we the People, who govern ourselves. And candid men will acknowledge, that in such cases, choice would have little advantage to boast of, over lot or chance.

“ Such is the amiable and interesting system of Government (and such are some of the abuses to which it may be exposed) which the People of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years, under the Administration of a Citizen, who, by a long course of great actions, regulated by prudence, justice, temperance and fortitude; conducting a People, inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity; has merited the gratitude of his Fellow-Citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

“ In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives a bulwark against all open or secret enemies to his country's peace.

“ This example has been recommended to the imitation of his successors, by both houses of Congress, and by the voice of the Legislatures and the People, throughout the nation.

“ On this subject it might become me better to be silent, or to speak with diffidence : But as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that

“ If, a preference, upon principle, of a free Republican Government, formed upon longer and serious reflection, after a diligent and impartial enquiry after truth ; if, an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the People, expressed in the mode prescribed in it ;—if, a respectful attention to the Constitutions of the individual States, and a constant caution and delicacy towards the State Governments ; if, an equal and impartial regard to the Rights, Interests, Honour and Happiness of all the States in the Union, without preference or regard to a Northern or Southern, an Eastern or Western position, their various political opinions on unessential points, or their personal attachments ; if a love of virtuous men of all Parties and Denominations ; if a love of Science and Letters, and a wish to patronize every rational effort to encourage Schools, Colleges, Universities, Academies, and every Institution for propagating Knowledge, Virtue and Religion among all classes of the People : not only for their benign influence on the happiness of Life, in all its stages and classes, and of Society in all its forms ; but as the only means of preserving our Constitution from its natural Enemies, the Spirit of Sophistry, the Spirit of Party, the Spirit of Intrigue, the Profligacy of Corruption, and the Pestilence of Foreign Influence, which is the Angel of Destruction to Elective Governments ; if a love of Equal Laws, of Justice and Humanity, in the interior Administration ; if an inclination to improve Agriculture, Commerce and Manufactures for Necessity, Convenience and Defence ; if a Spirit of Equity and Humanity towards the aboriginal Nations of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our Citizens to be more friendly to them ; if an inflexible determination to maintain Peace and Inviolable Faith, with all Nations, and that System of Neutrality and Impartiality, among the Belligerent Powers of Europe, which has been adopted by this Government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and the Public Opinion, until it shall be otherwise ordained by Congress ; if a personal esteem for the French Nation,

formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honour and interest of both Nations; if, while the conscious honour and integrity of the People of America and the internal sentiment of their own power and energies must be preserved, an earnest endeavour to investigate every just cause and remove every colourable pretence of complaint; if an intention to pursue, by amicable Negotiation, a reparation for the injuries that have been committed on the Commerce of our Fellow-Citizens by whatever Nation; and if success cannot be obtained, to lay the facts before the Legislature, that they may consider, what further measures the Honour and Interest of the Government and its Constituents demand; if a resolution to do Justice, as far as may depend upon me, at all times and to all Nations, and maintain Peace, Friendship, and Benevolence with all the World; if an unshaken Confidence in the Honour, Spirit, and Resources of the American People, on which I have so often hazarded my all, and never been deceived; if, elevated ideas of the high destinies of this Country, and of my own duties towards it, founded on a knowledge of the moral Principles and intellectual Improvements of the People, deeply engraven on my mind in early life, and not obscured but exalted by Experience and Age;—And, with humble reverence I feel it to be my duty to add, if, a veneration for the Religion of a People, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity, among the best recommendations the public service—can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavour that this sagacious injunction of the two Houses shall not be without effect.

“ With this great example before me; with the sense and spirit, the faith and honour, the duty and interest of the same American People pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it, to the utmost of my power.

“ And may that Being, who is Supreme over All, the Patron of Order, the Fountain of Justice, and the Protector, in all ages of the World, of virtuous Liberty, continue his Blessing upon this Nation and its Government, and give it all possible Success and Duration, consistent with the Ends of His Providence.”

After concluding his speech, the President descended from his seat to receive his oath of office from the Chief Justice, who pronounced the following constitutional oath with great solemnity, which was repeated by the President in an equally audible and solemn manner.

“ I do solemnly swear, that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the constitution of the United States.”

Having taken his oath, the President again resumed his seat, and after sitting a moment, rose, bowed to the audience, and retired. After him, followed the Vice-President (though not without a contest betwixt the late President and him with respect to Precedence, the former insisting upon the Vice-President taking it, and he with great reluctance receiving it.) Afterwards followed the members of the Senate, Foreign Ministers, Heads of Departments, Representatives, &c.

This ceremony and spectacle must have afforded high satisfaction and delight to every genuine Republican. To behold a fellow citizen, raised by the voice of the People to be the First Magistrate of a Free Nation, and to see, at the same time, he who lately filled the Presidential Chair, attending the inauguration of his successor in office, as a private citizen, beautifully exemplified the simplicity and excellence of the Republican System, in opposition to hereditary, monarchical governments, where all is conducted by a few powerful individuals, amidst all the Pomp, Splendour, and Magnificence of Courts, independent of the Great Body of the People: and we think it may be justly asked, in the appropriate words of our First Citizen, “ *What other form of Government, indeed, can so well deserve our esteem and love?*” *

The oath required by law was the same day administered, in presence of the Senate of the United States, to THOMAS JEFFERSON, Vice-President of the United States and President of the Senate, when he took the chair, and addressed them as follows:

“ Gentlemen of the Senate,

“ Entering on the duties of the office to which I am called, I feel it incumbent on me to apologize to this honourable House for the insufficient manner in which I fear they may be discharged. At an earlier period of my life, and through some considerable portion of it, I have been a member of legislative Bodies, and not altogether inattentive to the forms

of their proceedings; but much time has elapsed since that; other duties have occupied my mind, and in a great degree it has lost its familiarity with this subject. I fear that the House will have but too frequent occasion to perceive the truth of this acknowledgment. If a diligent attention, however, will enable me to fulfil the functions now assigned me, I may promise that diligence and attention shall be sedulously employed. For one portion of my duty I shall engage with more confidence, because it will depend on my will, and not on my capacity. The rules which are to govern the proceedings of this House, so far as they shall depend on me for their application, shall be applied with the most rigorous and inflexible impartiality, regarding neither persons, their views or principles, and seeing only the abstract proposition subject to my decision. If in forming that decision, I concur with some and differ from others, as must of necessity happen, I shall rely on the liberality and candour of those from whom I differ, to believe that I do it from pure motives.

“ I might here proceed, and with the greatest truth, to declare my zealous attachment to the Constitution of the United States; that I consider the Union of these States as the first of blessings, and as the first of duties the preservation of that constitution which secures it; but I suppose these declarations not pertinent to the occasion of entering into an office whose primary business is merely to preside over the forms of this House; and no one more sincerely prays that no accident may call me to the higher and more important functions which the constitution eventually devolves on this office. These have been justly confided to the eminent character which has preceded me here, whose talents and integrity have been known and revered by me through a long course of years, have been the foundation of a cordial and uninterrupted friendship between us, and I devoutly pray he may be long preserved for the government, the happiness, and prosperity of our common country.”

The Senate, at the close of the sitting, adjourned without delay.







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